ROMANÆ HISTORIÆ ANTHOLOGIA RECOGNITA ET AUCTA.

AN

English Exposition

OF THE

ROMAN ANTIQUITIES,

Wherein many *Roman* and *English* Offices are paralleld, and divers obscure phrases exlpained.

For the use of Abingdon *Schoole.*

Newly revised and inlarged by the Author.

LONDON,

Printed by *Robert White*, for *Henry Cripps*. *A. Lom.*

MDCXLVIII.

VIRO COLENDISSIMO Dº. JOHANNI YOUNG SS. THEOLOGIÆ DOCTORI, & Ecclesiæ WINTONIENSIS *Decano Ornatissimo.*

Εὐδαιμονέστατα διάγειν.

Vir Ornatissime,

NON liberi quàm libri pluribus exponi periculis solent, cùm primùm prodeant in lucem: utrisq; pariter opus est tutelari aliquo numine obstetricante. Hoc olim sensit anthologia hæc nostra primùm edita: idem sentit eadem in hodierna duarum sectionum, & capitulorum aliquot superfœtatione. Nacta igitur secundas suas cogitationes te ambit Patronum, qui facem aliquam mihi in his antiquitatibus obambulanti prætulisti, & quem multùm fuisse in studiis meis promovendis, palam & sub Dio prædico, vi-

debis me aliquoties alium à doctissimis viris, & ab illorum sententiis alienum: Veritate enim præponderante, nullus apud me Plato, nullus erit Aristoteles, (nolo ego istiusmodi insaniam insanire, utcunque splendidam & *autoritativam*:) Cæterùm tacitus hoc facio, & apud me, citra omnem velitationis pulverem, raro admodum quovis protracto in arenam, ne videar ex illorum numero, qui ex nuda pugna cum adversario aliquo eximio commissâ, gloriolæ nescio quos fumos sibi pollicentur. Hæc scribendi ratio si tibi placeat, alios non moror, quibus si simplex veritas non arrisseret, cum magnis nominibus deviare per me licebit. Vale, & meas Musas, ut soleas, ama; ille, quod jam facient, te colent semper, & omni obsequio prosequenter. *Datum Abingdoniæ 14 Cal. Decemb. An.* [illegible] 1622.

Dignitati tuæ
multiplici nexu mancipatus,

THO. GODWIN.

BENEVOLO LECTORI

Ἐυπράττειν, Ἐυκρίνειν.

MIRARIS forſan & redarguis, quòd nondum deſtitum ab his elementaribus; quaſi vita mihi vitalis foret, in his minutiis integram meam ætatem eludere, & votum unicum in his previis ſtudiis ſenium contrahere. Qui ſic ſentis, nec me ſatis noris, nec ludi literarii (pone lenocinium nominis, moletrinæ dices,) iniquas leges, aut miſerias quotidianas & omnigenas. Sentio ego me in piſtrinum damnatum, & cogita tu hanc Anthologiam è piſtrino prodeuntem. Si minùs placeat, illud dabis purorum circumſtrepentium ſuſurris, inter quos nata eſt: Si placeat, illud debes puerorum erebris interrogatiunculis, quarum enodationes, me vel invitum indies reducunt ad hæc ſtudia, quæ aliàs jamdudum juſſiſſam ſuas ſibi res habere. Sic me amet Theologia, ſacratior mihi pagina in votis, cùm hæc in manibus, ludo cogente. Interim te monitum velim, quæ acceſſere, non vulgaria, aut obvia, nec quæ vulgus hominum aut docuit, aut didicit. *Vale.*

A ſhort Table ſhewing the Argument of every Book and Section.

Lib.

1. *Of the* Roman *City.* *Sect.*
   1 *Of the chief parts thereof.*
   2 *Of the generall diviſions of the* Roman *People.*

2. *Of the* Roman *Religion. Sect.*
   1 *Of certain generall diviſions of their Gods.*
   2 *Of their* Roman *Prieſts, wᵗʰ ſome particular Gods, together with their rites in mariages & burials.*
   3 *Of the* Roman *Games, wᶜʰ endeth with their manner of taking meat.*

3. *Of the ſtate politicall. Sect.*
   1 *Of their Aſſemblies cal'd* Comitia, *which Section is begun with the* Roman *year, concluded with two Chap. of* Roman *Garments.*
   2 *Of their Civill Magiſtrates.*
   3 *Of their Civill Puniſhments.*
   4 *Of all thoſe laws wᶜʰ I have obſerved to be touched in* Tul. *his* Orat.

4. *Of the art military, as it was practiſed by the* Romans. *Cap.*
   1 *Of their manner obſerved in eſtabliſhing their leagues.*
   2 *Of the* Roman *Legion, and the parts thereof.*
   3 *Of the manner of beſieging a City.*
   4 *Of the puniſhments towards their enemies captivated.*
   5 *Of puniſhments towards the* Roman *ſouldiers offending.*
   6 *Of certain rewards after the performance of any noble exploits.*

A Short Table shewing the Argument of every Book and Section.

1. Of the Roman City. Sect.	1 Of the chief parts thereof. 2 Of the generall divisions of the Roman People.
2. Of the Roman Religion. Sect.	1 Of certain generall divisions of their Gods. 2 Of their Roman Priests, wch some particular Gods, together with their rites in marriages & burials. 3 Of the Roman Games wch endeth with their manner of taking meat. 4 Of their Assemblies call'd Comitia, which Section is begun with the Roman year, concluded with two Chap. of Roman Comments.
3. Of the state polit. call. Sect.	2 Of their Civil Magistrates. 3 Of their Civil Punishments. 4 Of all those laws wch I have observed to be reached in Bible Onus. 5 Of their manner [illegible] in establishing their Magnes.
4. Of the art military, as it was practised by the Romans Cap.	2 Of the Roman Legion, and the parts thereof. 3 Of the manner of besieging a City. 4 Of the punishments towards their enemies captivated. 5 Of punishments towards the Roman souldiers offending. 6 Of certain rewards after the performance of any noble exploits.

The Romane Antiquities

Expounded in ENGLISH.

LIB. I. SECT. I.

Of the chief parts of the City.

CAP. I.

De modo condendarum, delendarumq; Urbium.

BEfore we handle the deſcription of the particular places in the Romane City. it will not be amiſſe to premiſe ſomewhat concerning the ancient manner of building and razing Cities. In the building of Cities, the founders thereof did uſually conſult with their Gods in their *Augurall* obſervations; and [a] this courſe was obſerved by *Romulus* himſelf, in the firſt foundation of *Rome*: After their *Augurall* obſervations, they marked out the place where the wall of the City ſhould bee built, by plowing up the ground; and becauſe they left that ſpace of ground unplowed, lightly lifting the plough over it, where they appointed

[a] M. Tullius lib. 1. de divinat.

A Short Table shewing the Argument of every Book and Section.

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2. Of the Roman Religion. Sect.	1 Of certain general divisions of their Gods. 2 Of their Roman Priests, with some particular Gods, together with their rites in marriages & burials. 3 Of the Roman Games wth Endeth with their manner of taking meat.
3. Of the state political. Sect.	1 Of their Assemblies called Comitia, which Section is begun with the Roman year, concluded with two Chap. of Roman Garments. 2 Of their Civil Magistrates. 3 Of their Civil Punishments. 4 Of all those laws wth I have observed to be enacted in Indeed Order.
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[a] M. Tullius lib. 1. de divinat.

the gate of the City, thence *à portando*, from carrying and lifting the plough, they called the gate *Porta*. This custome is fully described by [b] *Cato: Captato augurio, qui urbem novam condebat, tauro & vaccâ arabat: ubi arâsset, murum faciebat, ubi portam volebat esse, aratrum tollebat & portam vocabat.* *Virgil* also alludeth unto it,

Interea Æneas urbem designat aratro.

[b] M. Cato in fragm.

The manner hereof was, that he who held the plough, did cast up the skirt of his gowne on the right shoulder, and gird himselfe about, either because this was the usuall habit of such who performed holy rites; (in the number of which this present action was reputed) or that he might the more readily addresse himselfe to the business; or lastly, that he might symbolically by that pacificall habit intimate, that the flourishing estate of a City is not so much preserved by war, as by peace. Hence *Ovid. lib.* 4 *Fastorum,*

Ipse tenens stivam, designat mœnia sulco,
Alba inugum niveo cum bove vacca tulit.

[c] Cœl. Rhod. antiq. lib. 26. cap. 5.

The [c] like custome was used also in the razing or demolishinst of Cities, when they had been vanquished by the enemies: which observation giveth light to that of *Horace, lib.* 1. *Od.* 16.

——urbibus ultima
Stetêre causa, cùm perirent
Funditus, imprimeretq; muris
Hostile aratrum exercitus insolens.

Cap. 2.

De monte Palatino.

[d] Vid. Anton. Constantium in Ovid. Fast. lib. 1.

TOuching the name of *Rome*, from what occasion the City should be so denominated, divers authors conceit diversly. [d] Some are of opinion, that this City was built long before *Æneas* came out of *Troy*, & was then called by the

the Latines, *Valentia*, which was a name of ſtrength, whence *Evander* comming into *Italy*, called it *Roma* from *ῥώμη Robur*. Others ſay it was ſo called from *Aſcanius* his daughter, whoſe name was *Roma*. But it is agreed upon by moſt writers, that the Founders were *Romulus* and *Remus*, and from *Romulus* it was called *Roma*, not *Romula*, becauſe the diminitive, *Romula*, might ominate leſſe proſperity thereunto. [e] Some ſay, that they built it in form of a quadrangle, upon one only hill, called *Mons Palatinus*. [f] Others ſay, that *Fabius* left *Rome* as it was firſt built, with the fields thereof, painted in the forme of a bow, the river *Tiber* being the ſtring thereof. Upon this *Palatine* hill was alwaies the ſeat of the Roman Empire, which from the hill took the denomination of a Palace: & hence all [g] ſtately buildings which we call Palaces, took their name *Palatia*. This hill had his firſt appellation [h] *Balatinus à Balando*, from the bellowing of cattle paſturing there in former times, & afterwards the firſt letter being changed, it was called *Palatinus*: by the figure *Antistrophe*. *Virgil* ſeemeth to be of opinion, that the hill was called *Palatinus* by *Evander*, in remembrance of his grandfather, whoſe name was *Pallas*, according to that,

——*Poſuere in montibus urbem,*
Pallantis proavi de nomine Palenteum. Virg. Æneid. l. 8.

In proceſſe of time ſix other hills by ſeverall Kings of *Rome* were added; whereby the City, and the *Pomærium*, that is, the territories of the City were enlarged, and *Rome* called *Urbs ſepti-collis, id eſt*, the City upon ſeven hills.

Sed quæ de ſeptem totum circumſpicit orbem
Montibus, imperii Roma deumq; locus. Ovid. Triſt. lib. 1. Eleg. 4.

Upon this *Palatine* hill alſo ſtood the *Aſylum*, or ſanctuary of refuge, which *Romulus* opened [i] in imitation of *Cadmus*, who at the building of *Thebes* was ſaid to have opened a ſanctuary of refuge, whither whatſoever malefactor could eſcape, were he bond or free, he was not to be puniſhed. It

[e] Roſin. antq. lib. 1. cap. 2.
[f] Sig. de jur. Rom. l. 1. c. 2.
[g] Roſin ant. lib. 1. cap. 4.
[h] Vid. Servium in Æneid. lib. 8.
[i] Alex. Gen. dier. l. 3 c. 20. ubi plura lectione digna de Aſylis.

was much like unto a cuſtome of the people in the City *Croton*, who flying unto the altars of their Gods, obtained the forgiveneſſe of faults not voluntarily committed. Whence theſe two phraſes are expounded alike, *Ad te tanquàm ad Aſylum*, and *Ad te tanquàm ad aram confugimus, id eſt*, we fly unto thee as our only refuge.

Cap. 3.

De monte Capitoliuo.

THis hill was famous for three names: it was called *Capitolium, mons Tarpeius*, and *mons Saturni*. It was named *Saturnes* hill[k] from the heatheniſh God *Saturne*, who vouchſafed to undertake the protection of that place. It was named the *Tarpeian* hill[l] from *Tarpeia* one of the Veſtall Nuns, daughter to the chiefe keeper of the Capitoll, (this hill being the Caſtle of defence for the whole towne) for this *Tarpeia* betraied the Capitoll into the enemies hands, bargaining to have the golden bracelets upon her enemies left hands, for this her treaſon. Now the enemies when they were admitted in, did caſt not their bracelets alone, but their bucklers alſo upon her, through the weight whereof ſhee was preſſed to death: upon which occaſion the whole hill was afterwards called the *Tarpeian* mount; but more principally a certain rock of that hill called *Tarpeia rupes*, from whence malefactors were ſundry times tumbled headlong. The ſame was likewiſe called the *Capitoll*, becauſe when the foundation of a certain Temple, built in the honour of *Jupiter*, was laid; a mans head, full freſh and lively, as if it had been lately buried,[m] yea hot blood iſſuing out of it, was found there.[n] *Arnobius* ſaith, that the name of this man being alive was *Tolus*, and hence from *Caput* and *Tolus*, the whole hill was called *Capitolium*.

1
k Roſin ant. lib 1 c. 5.

2
l Plutarch. in Romulo.

3
m Dion. Halicar lib. 4.
n Lipſius de magnitud Rom. cap. 5.

Cap.

Cap. 4.

De colle Quirinali.

THis hill being in former time called *Agonalis*, then began to be called *Quirinalis*, when certain *Sabines*, called in Latine *Curetes*, came and inhabited there, (truce being made between the *Romanes* and the *Sabines*:) though ſome would therefore have it named *Quirinalis*, becauſe there was a Temple erected in the honour of *Romulus*, called alſo *Quirinus*. It was called in the time of the Emperours, *mons Caballus*, that is, the horſe-hill, taking its denomination from two marble ſtatues of *Alexander* taming his horſe *Bucephalus*: which ſtatues *Conſtantine* the Emperour brought to *Rome*, and placed them in the midſt of certain bathes, which he made upon this hill. There do appear in this hill three riſings, or hillocks; the one being called *Salutaris*, the other *Martialis*, & the third *Latiaris*. All this may be collected out of [o] *Roſinus*.

[o] Antiq. Rom. l. 1. c. 6.

Cap. 5.

De monte Cœlio.

THis hill hath his name from a certain [p] Captain of *Hetruria*, which aſſiſted *Romulus* againſt the *Sabines*. On this hill, King *Tullus Hoſtilius* erected ſtately edifices, which for a time, ſerved as his Palace: but afterward they became the chief Councel-houſe, whither the *Senatours* aſſembled themſelves for the determining of State matters: and becauſe this *Curia* did far exceed all others, therefore Authors many times uſe this word [q] *Curia* ſimply, without any adjunction, to ſignifie *Curiam Hoſtiliam*, as if there were no other. It much reſembleth our Privy Councel

[p] Alex. Gen. dier. l. 6. c. 11.

[q] Alex. Gen. dier. l. 1. c. 16.

Chamber, in respect that none might sit there, but only *Senators*; whereas in the Court house, which *Pompey* built (being therefore called *Curia Pompeia*) [r] other City Magistrates were admitted amongst the *Senators*: and in *Curia Julia, id est*, the Court-house which *Julius* made, were examined [s] forreign matters, as Embassages: but in *Curia Hostiliâ* domesticall matters only were treated of, and that only by the *Senators*. [t] At this present time, this hill is beautified with many Christian Churches, as the Churches of S. *Stephen*, S. *Paul*, & S. *John*, our Saviours Hospitall, *&c.* [u] It was also called *Mons Querculanus*, from the abundance of Oaks growing there.

[r] Rosin. antiq. lib. 7. 5.

[s] Rosin. ibid.

[t] Munster. in sua Cosmog. lib. 2. cap. 9.

[u] Alex. Gen. dier. l. 6. c. 11.

Cap. 6.

De monte Esquilino.

[x] Rosin. ant. lib. 1. cap. 8.

THis hill was so named *quasi* [x] *excubinus, ab excubiis, id est*, from the night watching, which *Romulus* did undertake upon that, somewhat distrusting the fidelity of the *Sabines*, in the beginning of their league. In this hill there were three hillocks, named, *Cispius, Oppius*, and *Septimius*.

Cap. 7.

De monte Aventino.

[a] Alex. Gen. dier. l. 6. c. 11.

THe *Aventine* mount, took his name [a] from *Aventinus*, a certain King of *Albanum*, which was there buried. Upon this hill stood *Hercules* his Altar, and certain Temples consecrated to *Juno, Diana, Minerva, Lucina*, and *Murcia, id est, Venus*: whence the hill hath sometimes been called *Diana* her hill, and *mons Murcius*. Upon [b] this Mount, *Remus* would have built *Rome*, and therefore it was called *Remonius mons*: but since it hath been called *Mons*

[b] Plutarch. in Romulo.

Rig-

Rignarius, as it appeareth by *Plutarch* in the ſame place. It had moreover the name of the *Holy Mount*, being called in Latine *Mons ſacer*.

Cap. 8.

De monte Viminali.

BEcauſe of the abundance of wicker twigs, which did grow upon this hill, it was called *Mons Viminalis*, *vimen* ſignifying a twig or ozier. I am not ignorant that ſome would have this hill to be named *Viminalis*, from *Jupiter Vimineus*, whereas *Iupiter* himſelf was named *Vimineus* from this hill, becauſe he had here many altars erected in the honour of him. Both this hill, and *Iupiter*, were called *Fagutales*, from *ſylva fagea*, *id eſt*, a cops of Beech-trees, which did grow thereupon. *Vid. Roſin. antiq. lib.* 1. *cap.* 9.

Cap. 9.

De tribus collibus adjectis

THree[c] other hils there were, which in proceſs of time were added unto the City, which partly becauſe they were not included within the *Pomarium* ſo ſoon as the other, but chiefly becauſe they were not of ſuch note, therefore *Rome* retained the name *Septi-collis*. The firſt of thoſe hills was called *Collis Hortulorum*, *id eſt*, the hill of Gardens, ſo termed becauſe of the many gardens neer adjoyning. [d] Here was the *Cirque*, or the ſhew-place of the ſtrumpet *Flora*, which made the people of *Rome* heir to thoſe goods which ſhe had gotten by proſtituting her body to young Gentlemen, leaving alſo a certain ſum of money to procure a celebration of her birth-day: which becauſe of her infamie, the people ſhaming to do, they feigned her to be the

[c] Roſin. ant. lib. 1. cap. 11.

[d] Barthol. Latomus in Verrin. Orat. 7.

the Goddeſs of flowers, and that ſhe muſt be firſt appeaſed by ſports & plaies, performed in the honour of her, before the trees and fruits of the earth would proſper; [e] and that they might gain the better credit unto this their fable, they add farther, that ſhe was once called *Chloris*, and was married unto *Zephyrus*, from whom by way of dowry ſhe received power over the flowers. The ſecond was called *Ianiculus*, from *Ianus* that two-faced God: who, as writers teſtifie, was there buried. It did lie beyond the river *Tiber*, and hath now changed its name, being called from the yellow ſands, *Mons aureus*, and through negligence of the Printer, *Montorius*, *id eſt*, the Golden Mountain. The third was famous for the many divinations, and prophecies uttered upon it, and thence was it named *Vaticanus* from *Vaticinium*, a foretelling. [f] It is at this time famous for a Library in it, called *Bibliotheca Vaticana.*

[e] Lactant. de fal. relig. lib. 1. cap. 20.

[f] Munſter in ſua Coſmogr. lib. 2. cap. 8.

Cap. 10.

De Foro Romano.

Forum hath divers acceptions: ſometimes it is taken for a place of negotiation, or merchandizing, which we call a **Market-place**: and being taken in this ſenſe, it hath commonly ſome adjective joyned with it, as *Forum boarium*, the beaſt-market, *Forum piſcarium*, the fiſh-market, *Olitorium Forum*, the herb-market: other times it is taken for any place, whereſoever the chief governour of a Province doth convocate his people together, there to give judgement according to the courſe in law: whence a man is ſaid, *Forum agere*, when he keeps the **Aſſiſes**, and *Forum indicere*, when he appointed the place where the **Aſſiſes** ſhal be kept. Thirdly, it is taken for a place, where controverſies in law are judicially determined, & Orations are had unto the people. At firſt, of this ſort were only three, *Romanum*, *Julium*

[g] Hubertus in Cic. lib. 3. ep. fam. 6.

um,& Augustum,as is clearly evidenced by that of *Martial*,

Atque erit in triplici par mihi nemo foro.

Afterward the number was increased to six distinct *Forums*: One called *Forum Julium*, because it was built by *Julius Cæsar*. A second was added by *Octavius Augustus*, called therefore *Augusti Forum*. The third *Forum* was founded by *Domitian* the Emperour: but,by reason of his sudden death, *Nerva* had the finishing thereof. It had the name of *Forum Transitorium*, the transitory *Forum*; because there was *Transitus, id est*, a way or passage through it into three severall market-places. The same *Martial* calleth it sometimes [h] *Forum Palladium*; because in the middle thereof a Temple was erected in the honour of *Minerva*. A fourth was added by the Emperour *Trajanus*, wherein was erected a stately columne or pillar 140 cubits high, having all the noble exploits performed by *Trajanus* engraven in it. Another was called *Salustii forum*, because *Salust* bought it with divers Gardens adjoyning, which since have been called *horti Salustini*. The last *Forum*, which indeed was first built, and in all respects excelled the rest, was called *Forum Romanum*, and *Forum vetus*, or by way of excellency the *Forum*, as if there were no other *Forum*: where we must understand,that as often as *Forum* is used in this latter sense, namely for a pleading place, it is so used figuratively, by the figure *Synechdoche*: for in truth,the pleading place, wherein Orations were had,was but one part of the *Forum Romanum*, namely that Chappell, or great building, which they called *Rostra*. [i] Round about this *Forum Romanum*, were built certain tradesmens shops, which they termed *Tabernæ*, and also other stately buildings, called *Basilicæ Pauli*. Here was the *Comitium*, or Hall of justice; the *Rostra, id est*, the Orators Pulpit; *Saturnes* Sanctuary, or the common treasure-house; and *Castors* Temple: of all which in their order.

[h] Lipsius de magnitud. Rom.l.3.c.7.

[i] Hen. Salmuth in Pancirol. lib. rerum deperdit cap de basil. & taber.

Cap. 11.

De Basilicis.

Basilicæ were upper buildings, of great state and much cost, being supported with *Pila, id est,* flat sided pillars; and having underneath them walks, much resembling our Cloysters, saving that the *Intercolumnia,* or space between the pillars lay open unto the very ground. That they were upper buildings, may be collected by the custome of many men, which were wont to walk under these Basilicall buildings, and therefore were called *Subbasilicani* by *Plautus.* The use of these were principally for the [k] Judges to sit in judgement: but in their absence it was lawfull for Merchants to deal in their businesses. Those of chief note were three, thus named, *Pauli, Porcia,* and *Iulia.*

[k] Sigon. de judiciis lib. 1. cap. 28.

Cap. 12.

De Comitiis.

Comitium [l] was a part of the *Forum Romanum,* being a great large hall of justice, which for long time was open at the top, having no covering, and for that reason the assemblies were often dissolved in rainy or unseasonable weather. In it stood the *Tribunall,* being a place erected up on high in form of our Pulpits, but many degrees larger, and in the midst thereof, the *Sella Curulis, id est,* the Ivory chair, from whence the chief Magistrate administred justice; other inferior Magistrates sitting on benches on each side, which were called *Subsellia,* because they were lower then the Tribunal. Those which sate upon these benches had power *cognoscere,* but not *pronunciare*; much like to our Justices at Assises, which may examine or inform against a male-

[l] Sig. de jud. lib. 1. cap. 7.

malefactor, but not condemn him. Where we may obſerve the difference between *Comitium*, ſignifying ſuch an edifice or building, and *Comitia*, ſignifying the *Roman* aſſemblies: both being called *à coeundo*. This hall was many times called by the name of *Puteal Libonis*. The reaſon of which name is rendred thus by [m] ſome; that in this *Comitium*, *Attius Nævius* did once with a razor cut in two a whetſtone, and in memory thereof, his ſtatue was erected, with an hat upon his head, for *Puteal* properly doth ſignify the cover of a well, but in a large acception, it ſignifieth a broad brimmed hat, as *Cœlius Rhodiginus* noteth in the ſame place. [n] *Cicero* toucheth this: *Cotem illam, & novacularn deſoſſam in comitio, ſuprag, impoſitum Puteal accepimus.* But why it ſhould be called *Puteal Libonis*, is yet doubtfull, except happily *Libo* was the firſt erector of this ſtatue. That it was a common court, and known place of juſtice, *Horace* witneſſeth, *Roſcius orabat, ſibi adeſſet ad puteal cras.*

[m] Cœl. Rhod. l. 10. cap. 17.

[n] Cic. de divinat.

CAP. 13.

De Roſtris.

NExt to the *Comitium* ſtood the *Roſtra*, a goodly faire edifice, in manner of the body of a Cathedrall church: In it ſtood an Orators Pulpit, deckt and beautified with the ſtemmes of many ſhips, which the *Romans* got from the people of *Antium*, in a memorable battail upon the Sea: And [o] hence from thoſe ſhip-beaks, called in Latine *Roſtra*, hath this place taken its name. It may be Engliſhed, the great Oratory, or place of Common-plea.

[o] Hubert. in Cic. ep. lib. 1. ep. fam. 1.

Cap. 14.

De Templo Caſtoris.

ANother part of the *Forum* was a ſanctuary built in the honour of *Caſtor* and *Pollux*: the reaſon thereof was becauſe they appeared unto the *Romans* in the Latine war, in the likeneſſe of two Angels ſent from heaven to lead the *Romane* army, and to aſſiſt the Romans againſt the *Latines*: who being vanquiſhed, they ſuddenly were departed out of the field, none knowing how, & even in the ſame moment they appeared upon their ſweating horſes unto the *Romane* Citizens in the *Forum*, who taking them for ſouldiers, demanded what news they brought home from the camp: they replied that the *Romans* were conqurours: which news being delivered, they ſuddenly vaniſhed and were ſeen no more. Upon this occaſion did *A. Poſthumius*, being at that time *Dictator*, build a Temple, in that place of the *Forum* where they were ſeen, in honour of them both: Although in the after ages, it had the name only of *Caſtors* Temple. Whence aroſe the jeſt of *M. Bibulus*, againſt his fellow Conſul *Julius Cæſar*, ſaying, [p] it fared with him, as it did with *Pollux*, *id eſt*, as this Temple which was erected in the honour of both the brethren, carried the name only of *Caſtors* Temple; ſo the great expences in exhibiting ſhews in the time of their Conſulſhip, though they were deeper on *Bibulus* his ſide, yet *Cæſar* carried away all the thanks and credit. Inſomuch that the people being wont to ſubſcribe the names of both Conſuls at the end of their Deeds and Charters, for a remembrance of the year; that year they wrote, ſuch a thing done, not *Bibulus* and *Cæſar*, but *Julius* and *Cæſar* being Conſuls.

[p] Suet. in Julio Cæſare.

CAP.

Cap. 15.

De Æde Saturni.

Saturnes ſanctuary [q] was the common treaſure-houſe, wherein the ſubſidie money which the Commons paid unto the treaſurers called *Quæſtores* was to be laid up: whereof divers conjecture diverſly. *Alexand. Neop.* [r] ſaith, that *Saturn* found out the uſe of brazen money: and therefore this Temple might be thought the fitteſt place for the treaſury. *Plutarch* thinketh rather, that the making of the treaſury in that place did allude to the integrity of time, wherein *Saturn* reigned, being the Worlds golden Age. But [ſ] the moſt received opinion, is the ſtrength of the place, whereby it was the ſafer from theeves. The Temple by reaſon of the uſe it was put unto, was called *ærarium*, from *æs, id eſt, Braſſe*: which name now is common to all treaſure-houſes: for that the firſt money uſed by the *Romans* was of that mettall, untill the year of *Rome* 485. (as *Pliny* witneſſeth *lib.* 3. *cap.* 33.) [t] Some are of opinion, that before the uſe of Braſſe, they made money of Leather: whence *Numa Pompilius* is ſaid to have given Leather money in a dole unto the people. Touching their order obſerved in the treaſury, we muſt underſtand that their care in providing againſt ſudden dangers was ſuch, that they laid aſide the twentieth part of their receipts, which they [u] called *aurum viceſimarium*, *Incenſimarium*, and *Cimiliarchium*, into an inner chamber, or more ſacred room, named in Latine *ærarium ſanctius*. [x] We may reade alſo of a third treaſury, called *Ærarium militare*, wherein *Auguſtus* had appointed that the twentieth part of certain Legacies ſhould be laid up to defray charges in extraordinary wars: where it lay ſo priviledged, that it was a capitall crime to uſe any of it, but in extream and deſperate neceſſity. Notwithſtanding, howſo-

[q] Plutarch in Publicola.

[r] Alex. Gen. dier. l. 4. c. 15.

[ſ] Alex. Gen. dier. l. 2. c. 2.

[t] Alex. Gen. dier. l. 4. c. 15.

[u] Alex. Gen. dier. l. 2. c. 2.

[x] Servius l. 2. Virg. Georg.

ever it was uſed as a treaſure-houſe, [x] yet divers Authors teſtifie that the Acts of their Senate, the books of records, together with ſuch books as were for their immeaſurable bigneſſe called *libri Elephantini*, wherein all the names of their Citizens were regiſtred, and alſo their military Enſignes, were contained there. [y] And from thoſe ſtatute-books called *tabulæ publicæ*, this treaſury was alſo called *Tabularium*, becauſe they were laid up there.

[x] Alex. Gen. dier. lib. 2. c. 2.

[y] Plutarch. in ſuis problem. vid. Fran Sylvium in Catilinar. 4.

Cap. 16.

De campo ſcelerato.

Campus ſceleratus, the field of execution [z] lying within the city, joyned to the gate *Collina*. It was the place where the Veſtall Nunnes, if they were deflowred ſuffered puniſhment after this manner. There [a] was made a Vault under the earth with a hole left open above, whereby one might go down; within there was a little couch with a burning lamp and a few victuals, whither the defiled Votary was to be brought through the market place, in a litter ſo cloſed up with thick Leather, that her mournings might not be heard to the moving of pitty. Shee being thus brought to the place of execution, was let down by a ladder into a hollow Cave, and the hole preſently ſtopped. And the reaſon why they ſuffered ſuch a kinde of death, was becauſe they thought it not fit that ſhe ſhould be burnt with fire, which kept not the ſacred fire with greater ſanctity: and it was thought unlawfull to puniſh them by laying violent hands on them, becauſe they had in former time ſerved in ſo holy a function.

[z] Munſter in ſua Coſmog.

[a] Plutarch. in Numa.

Cap.

Cap. 17.

De Campo Martio.

THE[b] *Campus Martius*, otherwise called *Tiberinus*, (becauſe it was near the river *Tiber*) was given unto the *Romane* people, by *Caia Tarratia*, a Veſtall Virgin: but *Tarquinius Superbus*, the laſt King of *Rome*, did take it from the people, converting it to his own private uſe: inſomuch that he ſowed Corn there; which, when he was depoſed, the *Romanes* did caſt into the river *Tiber*, judging it unfit that any man ſhould reap any commodity from ſo holy a ground. In proceſſe of time, the ſheaves of Corn being ſtopped in a ſhallow foard of the river, became firm ground, and was called, *The holy Iſland*, or *Æſculapius his Iſland*: & preſently after the expulſion of *Tarquinius*, this *Campus Martius* was reſtored unto its former uſe. Beſide the naturall pleaſantneſſe of the place it ſelf, it was beautified with many ornaments brought out of the *Capitoll* (the *Capitoll* being too full) as likewiſe with divers images of well deſerving men. Hither did the younger ſort of *Romanes* come to exerciſe Chivalry, namely the horſe-race, the foot race, wreſtling, fencing, caſting the bowl, the ſledge, the dart, uſing the ſling, the bow, valting, with ſuch like; and upon this occaſion it was dedicated to *Mars*, & called by *Strabo* the **Romanes great ſchool of defence.** The manner of valting was, in riding to leap from one horſe back upon another, their cuſtome being for their horſemen in war, to leade a ſpare horſe in their hands, beſides that whereon they did ride, that when the one did ſweat, they leaped upon the others back; *à deſiliendo*, thoſe horſes were called *Equi deſultorii*: whence an unconſtant, wavering, and unſetled mind, which *Seneca* calleth *Volaticum ingenium*, others have called *Deſultorium ingenium*. In this field were men of beſt note burned, when they dyed. Here were the Kings, and other Magiſtrates,

[b] Roſin. antiq. l. 6. c. 11.

[c] Cœl. Rhod. l. 21. c. 29, 30.

giſtrates at firſt created. In this[d] field of *Mars* alſo was a place, at firſt rayled like a ſheep-pen, called therefore *Ovilia* or *ſepta*; but afterwards it was mounted with Marble ſtone, beautified with ſtately walks and Galleries, and alſo with a Tribunall or ſeat of juſtice, within which precinct the people oftentimes aſſembled to give their ſuffrages toward the election of Magiſtrates. The means of aſcending up unto theſe *Ovilia* was not by ſtaires, but by many bridges made for that time, every pariſh in the aſſemblie of pariſhes, and every Tribe or Ward in the aſſemblie of the Tribes, & every Hundred in the aſſemblie of Centuries having his Bridge: whence this Proverb was occaſioned, *de ponte dejiciendus, id eſt*, he is to be barred from giving his voice. These Bridges were not made over any river, but over the dry land: whence men were ſaid to be caſt, *Non ut periclitarentur de vita, ſed ne ſuffragarentur in Comitijs.*

[d] Servius in Buc. eclog. 1.

[e] Joan. Saxonius in Orat. pro S. Roſcio.

Cap. 18.

De Circo Maximo.

Amongſt other places where the *Romans* exhibited their plaies unto the people, the moſt remarkable was the great Cirque, or ſhew-place, called in Latine *Circus Maximus*. It was a large piece of ground, lying near that part of the *Aventine* Mount, where *Dianaes* Temple ſtood. It was built by *Tarquinius priſcus*, with divers galleries round about it, from whence the *Senators* & Gentlemen of the City did behold the running with great horſes at liſts, the fire-works, tumbling, the baiting and chaſing of wilde beaſts, &c. In former time, all did ſtand on the ground, being ſheltred from the rain by the help of boards upheld with forks in manner of houſe-pentices: and this cuſtome continued untill the aforeſaid *Tarquinius* erected theſe Galleries, called *Fori*, making thirty diſtinctions of them

them, allotting every ward or company their ſeverall quarters, all the ſeats being able to contain one hundred fifty thouſand Parties. [f] Under theſe places were cels, or vaults, where women did proſtitute their bodies, and would buy ſtoln goods: and for this reaſon *Horace* calleth it *fallacem Circum, id eſt*, the deceitfull ſhew-place. There was at the one end of their cirque certain barriers, *id eſt*, places barred, or railed in, at which place the horſes began the race; and at the other end was the mark, whither the horſes ran; it was called in Latine *Meta*; and the barriers, *carceres, à coercendo*: whence we ſay *à carceribus ad metam, id eſt*, from the beginning to the ending.

[f] Roſin. antiq. lib. 5. c. 4.

Cap. 19.

De Theatro.

THe Theatre [g] hath his name from the Greek verbe θεάομαι, *id eſt*, to behold: becauſe the people flocked thither to behold plaies and ſhews exhibited to them. The cuſtome [h] firſt ſprang from the ſhepherds, who leading a contemplative life, were wont to compoſe dialogues in metre, & at their leaſure to recite them under the trees preſſed down in form of an arbor; whence this theatrall term σκηνὴ hath been derived from σκιὰ, a ſhaddow, but afterward learned Poets compoſed Comœdies, and Tragœdies, which were publikely acted in the City upon a ſtage: and although at the firſt it was counted infamous to frequent them, yet afterwads the *Senators* themſelves, yea, the *Emperour*, and all the chief of *Rome* aſſembled thither. [i] Neither for a long continuance were there any ſeats built, but Commons, and Nobles, promiſcuouſly one with another, all ſtood on the ground: inſomuch that thoſe which ſtood behinde, raiſed up places with turfes of earth, which gave the people occaſion to call the places between thoſe turfes

[g] Ioach. Camerar. in orat. pro L. Flacco.
[h] Servius l. 2. Virg. Georg.
[i] Alex. Gen. dier. l. 5. c. 16.

turfes and the ſcaffold *Cavea, id eſt*, a cave or den: yea the people that ſtood there, were ſo called from the place. Though the Theatre be now takē only for the ſtage; yet thē by it was underſtood the whole room, where theſe plaies were acted: & it had divers parts, ſome proper to the actors, ſome to the ſpectators. To the actors firſt belonged the *proſcenium, id eſt*, the houſe whence the plaiers came, where they apparell'd themſelves, though ſometimes it is takē for the ſcaffold or ſtage it ſelf: ſecondly, the *pulpitum, id eſt*, the ſtage or ſcaffold upon which they acted: & thirdly, the *ſcena*, that is, the partition, which was commonly made of wood, not of hangings. Now that they might change their Scene according to their pleaſure, they made it [k] *Verſatilem, id eſt*, ſo that with engins it might upon the ſuddain be turned round, and ſo bring the pictures of the other ſide into outward appearance: or otherwiſe *Ductilem, id eſt*, ſo that by drawing aſide of ſome wainſcot ſhuttles (which before did hide the inward painting) a new partition might ſeem to be put up: and I think, becauſe thoſe ſhepherds did act no more at a time then one of our *Scenes*, hence have we diſtinguiſhed our plaies into ſo many parts, which we call *Scenes*. The places which were proper to the ſpectators, were diſtinguiſhed according to their degree and ranke; for the remoteſt benches were for the Commons, & called *popularia*; the next for the Knights and Gentlemen of *Rome*, called therefore *Equeſtria*; the others wherein the Senators did ſit, were cōmonly called *Orcheſtra*: this may be collected out of [l] *Lipſius*. [m] *Cæl. Rhodiginus* ſaith that the *Orcheſtra* was that place joyning to the ſtage, where *Chorus* ſpake to the people at the end of every act. Divers authors are of *Cæl. Rhod.* his opinion, deriving the word *Orcheſtra*, from the Greek ὀρχεῖσθαι to dance: but it ſeemeth more probable to have bin a peculiar place, allotted for the Senators, *Iuv. Sat.* 3.

Æquales habitus illic ſimilemq́, videbis
Orcheſtram, & populum---id eſt, optimates & plebem. The whole

k Servius l. 3. virg. Georg.

l Lipſius de amphith. c. 14.

m Cæl. Rhod lib. 8 c. 8.

whole building made for entertainment of the ſpectators. reſembled a triangle or wedge, ſharp towards the ſtage and broad behind; whence the whole was denoted by the name *Cuneus*: whē *Cuneus* ſignified any particular place about the theatre, then by it we are to underſtand that wch formerly we called *popularia*, the place for the meaner ſort of people; [r] whence when we would point out a baſe and ignoble perſon, *Inter cuneos reſidere dicti tamus*. There was alſo another kind of ſcaffold, built quite round, made as it were of two Theatres joyned together, it was called *Amphitheatrum*, and differed from the Theatre, only as the full moon doth from the half, or a compleat rundle from a ſemi-circle: it [s] reſembled an egg. Upon this kinde of ſcaffold did the Maſters of defence play their prizes: and wild beaſts were baited. [t] *In Ampitheatro gladiatorii ludi, & concluſarum ferarum venationes exhibebantur.* The *Ampitheatre* it ſelfe in the judgement of [u] *Lipſius* was termed *Cavea, ab interiore parte quæ concava erat*; and *Arena*, becauſe it was ſtrewed with gravell and ſand, that the blood of ſuch as were ſlain in the place might not make the place too ſlippery for the cōbatants. Hence cometh that phraſe, *In arenam deſcendere*, to goe into the field: and the combatants were thence called *Arenarij*. Here we muſt note, that howſoever the *Amphitheatre* was ſtrewed commonly with common and ordinary gravell, yet ſometimes in their extraordinary ſhewes that gravell was covered, & as it were newcoated, with the ſcrapings & duſt of ſome extraordinary ſtones, to adde the greater luſtre unto it: thus much [x] *Pliny* intimateth, *Invenere & alium uſum ejus lapidis, in ramentis quoq; Circum maximum ſternendi, ut ſi in commendatione & candor &c.* Again ſometimes the hollow places or dens under the *Ampitheatre*, in which the wilde beaſts were kept, and likewiſe men to be committed with wilde beaſts, out of which theſe were let looſe by the lifting up of trap doores to be hunted or baited upon the *Ampitheatre*, were called *Cavea*. For we muſt

[r] Cœl. Rhod. lib. 8. cap 8.

[s] Turneb. adverſ. lib. 5 c. 5.

[t] Hoſp. de cerig. feſt.

[u] Lip. de Amphith. c. & 3.

[x] Plin. lib. 36.

know that the *Ampitheatre* was full of hollow paſſages for many reaſons, as for the convenient keeping of wilde beaſts and beaſtiaries, ſo ſometime for the better conveying of waters thither, by the means whereof [f] real ſhips and ſea-skirmiſhes were oftentimes exhibited upon the *Amphitheatre*.

[f] Sueton. in Domitian.

Cap. 20.

MOreover for the better underſtanding of Claſſicall Authors, it will not be impertinent to point at the generall names by which the religious places were called, and to declare the proper acception of each name: the names being theſe, *Templum, Fanum, Delubrum, Ædes ſacra, Pulvinar, Sacrarium, Lucus, Scrobiculus, Ara, Altare, Focus.*

De Templo.

THis word *Templum* doth ſometimes ſignifie thoſe [a] ſpaces and regions in the ayre & earth, which the *Augures* did quarter out with their crooked ſtaff at their ſouth-ſaying. Sometimes it doth ſignifie a ſepulchre or grave, [c] becauſe in old times men did ſuperſtitiouſly pray and worſhip at the tombes and monuments of their deceaſed friends, as if it had been in *Temples* or *Churches*: and in this ſenſe may *Virgil* be underſtood,

[a] Roſin. Ant. lib. 2. cap. 2.

[c] Lilius Gyrald. de diis gentil. ſyntag. 17.

[d] Lib. 4. Ænead. v. 457.

[d] *Præterea fuit antiquo de marmore templum*
Conjugis antiqui. ——

Moſt commonly it doth ſignifie a Church, or *Temple*: in which ſenſe as often as it is uſed, it is [e] ſaid a *templando*, from beholding; becauſe when we be in the Church, by lifting up our hearts by a divine contemplation, we do as it were behold the great Majeſty of God.

[e] Fr Sylvius in orat. pro Muræn.

De Fano.

It is alſo called *Fanum, à fando*, from ſpeaking: not from the ſpeaking of the Prieſt, but becauſe the people do there ſpeak unto God, and God again to the people. [f] Some are of

[f] Turneb adverſ. lib. 3 c. 9.

of opinion, that *Fanum* in propriety of ſpeech, ſignifieth the **Church-yard**, or court before the Temple: *Templum* ſignifieth the edifice, or Church built.

De Delubro.

Thirdly, a Church was called *delubrum*, *Synechdochicè*; becauſe it was the principall part of the Church, namely the place where their Idol God ſtood; & it was called *delubrũ* from *Deus*: [g] as we call the place where the candle is put, *candelabrum* from *candela*. As concerning the outward form of the Churches, ſome were uncovered, becauſe they counted it an hainous matter to ſee thoſe Gods confined under a roofe, whoſe doing good conſiſted in being abroad: other ſome covered; ſome round, ſome otherwiſe: but within they much reſembled our great Churches. They had their *prondon*, or **Church-porch**, whereabouts they were wont to have the image of the beaſt *Sphinx*, which was ſo famous for his obſcure ridles; ſo that by this image was ſignified, that the oracles of the Gods, which were treated of within the Church, were dark and myſticall. They had certain walks on each ſide of the **body of the Church**, which they called *porticus*: & in theſe places it was lawfull for them to merchandize, make bargains, or confer of any worldly buſineſſe; as likewiſe, in the *baſilica* or **Body** it ſelf. But their **Quire**, called *Chorus*, was counted a more holy place, ſet apart only for divine ſervice. The manner of hallowing it, was as followeth: [h] When the place where the Temple ſhould be built, had been appointed by the *Augures* (which appointing, or determining the place, they called *Effari templa*, & *ſiſtere Fana*) then did the party, which formerly in time of need upon condition of help from the gods had vowed a Temple, call together the *Aruſpices*, w^h ſhould direct him in what form the Temple ſhould be built; which being known, certain ribbands, and fillets were drawn about the *area*, or plot of ground, with flowers and garlands ſtrewed underneath, as it was probable to diſtinguiſh the limits of this

[g] Roſin Antiq. l. 2 c. 2.

[h] Roſin. ib.

ground now to be hallowed. Then certain ſouldiers marched in with boughs in their hands, and after followed Veſtall Nuns, leading young boyes and maids in their hands, who ſprinkled the place with holy water. After this followed the *Prætor*, ſome *Pontify* going before, who after the *area* had been purged by leading round about it a ſow, a ram, and a bull, ſacrificed them, and their entralls being laid upon a turfe, the *Prætor* offered up prayers unto the Gods, that they would bleſſe thoſe holy places, which good men intended to dedicate unto them. This being done, the *Prætor* touched certain ropes, wherewith a great ſtone, being the firſt of the foundation, was tyed; together with that, other chief Magiſtrates, Prieſts, and all ſorts of people did help to pluck that ſtone, and let it down into its place, caſting in wedges of gold and ſilver, which had never been purified, or tryed in the fire. Theſe ceremonies being ended, the *Aruſpex* pronounced with a loud voyce, ſaying, *Ne temeretur opus, ſaxo, aurove in aliud deſtinato; id eſt*, Let not this work be unhallowed, by converting this ſtone, or gold, into any other uſe.

De Æde ſacrâ

Fourthly, a Church was called *Ædes ſacra*, an holy houſe, becauſe of the ſacrifices, prayers, and other holy exerciſes performed therein. Although (as *Gellius* hath long ſince obſerved) every holy houſe was not a Church. For the proper note of diſtinction between a Church and a religious houſe was this, that a Church beſide that it was dedicated unto ſome God, it was alſo hallowed by the *Augures*, without which hallowing the edifice was not called a Church, but a religious houſe: of which ſort was the Veſtall Nunnery, and the common treaſurie, called *Ædes Saturni*. We may add hereunto this word *Pulvinar*,[i] which doth often ſignifie a Church: the reaſon being taken from a cuſtome amongſt the *Painims*, who were wont in their Churches to make certain beds in the honour of their Gods, and thoſe beds they called *pulvinaria*

[i] Barthol. Latomus in Philippic. 4. an.

Pulvinaria, from *Pulvis*, because they were filled with dust or chaff.

De Sacrario.

Sometimes [k] *Sacrarium* signifieth a temple, though properly it signifieth a Sextry or Vestry, *nempe* [l] *Sacrorum repositorium.*

[k] Cic. pro Milone.
[l] Franc. Sylvius in orat. pro L. Murœn.

De Lucis.

Near unto divers Temples stood certain groves dedicated to some of the Gods: they were called in Latine *Luci*, *à non lucendo*, as divers say, by the figure *antiphrasis*. But others are of a contrary opinion, giving it that name, because of the exceeding light it had in the night time, be reason of the sacrifices there burnt.

De Scrobiculo, Ara, & Altari.

The places upon which they sacrificed either in their religious houses, or their groves, were of three sorts; which we in English term altars; but the *Romans* distinguished them by three severall names, *Scrobiculus*, *Ara*, & *Altare*.

De Scrobiculo.

[m] *Scrobiculus* was a furrow, or pit containing an altar in it, into which they powred down the blood of the beast slain, together with milk, honey, and wine, when they sacrificed to an infernall God.

[m] Alex. Genidor lib. 5. c. 26

De Ara.

The second kinde of altar was called *Ara*, either *ab ardendo*, because their sacrifices were burned upon it: or from their imprecations used of that time; which in Greek they called ἀραὶ. It was made four square, not very high from the ground or as some say, close to the ground: and upon this they sacrificed unto the terrestriall Gods, laying a turfe of grasse on the altar: and this gave *Virgil* occasion to cal them [n] *Aras gramineas, id est*, grassie altars.

[n] Virg. Æn. 12

De Altari.

The third sort was called *Altare*, either because it was exalted, and lifted up some-what high from the ground; or because

cauſe he that ſacrificed (by reaſon the altar was ſo high) was conſtrained to lift up his hands *in altum*, on high: and upon this they ſacrificed unto their cœleſtiall Gods only.[o]

[o] Serv. in Bucolic. eclog. 5.

De Foco.

Focus is a generall name, ſignifying any of theſe altars; ſo called *a fovendo*: becauſe as *Servius* hath obſerved, that is *focus, quicquid fovet ignem, ſive ara ſit ſive quicquid aliud in quo ignis fovetur*. But in ſtrict propriety of ſpeech, it is taken for that altar on which they ſacrificed to their domeſtick Gods, ſuch as were their *Penates*, or *Lares*; as it appeareth by *Plautus*,[p]

[p] Aulular. act. 2. c. 5.

Hæc imponentur in focum noſtro Lari
Ut fortunatas faciat gnatæ nuptias.

Whence ariſeth that Adage, *Pro aris & focis certare*, ſounding as much as to fight for the defence of religion and ones private eſtate; or (as our Engliſh proverb is) for God and our Country; the proverb being in its originall, part of the oath that was adminiſtred unto the *Romane* Souldiers: and thus it is expounded by [q] *Turnebus*.

[q] Turnebi Adv. l. 10. c. 7.

LIB.

LIB. 1. SECT. 2.

The generall divisions of the Romane *people.*

CAP. 1.

De populo Romano, *& ejus prima divisione.*

THus having premised a short Treatise concerning the first situation of *Rome*, and the most remarkable parts thereof, I purpose to proceed to the inhabitants, which Atiquity hath stiled Citizens of *Rome*. And *Erasmus* rather describing a *Romane*, then defining him, saith, a *Romane* was grave in his conversation, severe in his judgement, constant in his purpose: Whence *Cicero* in his Epistles often useth this phrase, *more Romano*, for *ex animo, id est*, unfainedly. [a] *Sigonius* rendring the definition of a *Roman* citizen, averreth that no man is *lege optimâ, id est*, in full and compleat manner, a citizen of *Rome*, but he which hath his habitation there, which is incorporated into a Tribe, and which is made capable of city-preferments. By the first particle, those which they tearm *Municipes*; by the second, those which they call *Inquilini*; and by the third, those which they call *Libertini*, are in a man-

[a] Sig. de jure Rom. l. 1. c. 1.

cauſe he that ſacrificed (by reaſon the altar was ſo high) was conſtrained to lift up his hands *in altum*, on high: and upon this they ſacrificed unto their cœleſtiall Gods only.

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[a] Sig. de jure Rom. l. 1. c. 1.

ner disfranchiſed. But whereas *Sigonius* ſaith, that they muſt have their habitation at *Rome*, he would not be ſo underſtood, as if a *Roman* citizen might not remove his habitation to any other country: For, ſaith he, a *Roman* citizen may be as long abſent from *Rome*, and the fields belonging to *Rome*, as he pleaſes, ſo that he ſuffer himſelf to be ſeſſed and taxed in common with others toward the ſubſidy-payments, and denieth to be incorporate into another city. For *T. Pomponius* was a true citizen of *Rome*, though he dwelt at *Athens*. The *Roman* citizens being by theſe privileges as by a more proper and peculiar character diſtinguiſhed from other people, and being planted in the city according to the appointment of *Romulus* their King, it ſeemed good unto him to divide them into [b] *Tribes*, not taking the note of diſtinction only from the divers places they then inhabited, as we read that *Servius* the ſixt King of *Rome* did, making therefore four Tribes τοπικὰς, local, namely *Suburanã*, *Palatinam*, *Collinam*, & *Eſquilinam*, (which number of local Tribes in proceſſe of time increaſed unto the number of 35.) but dividing them according to their ſeverall nations, which at the firſt were *donati civitate, id eſt*, made free denizons of *Rome*: and (they being in number three. 1. The *Sabines*, which were named *Tatienſes*, from their King *Tatius*. 2. The *Albanes*, called *Rhamnenſes* from *Romulus*. 3. Other nations promiſcuouſly flocking out of other countreys to the Roman *Aſylum* placed in a grove called in Latine *Lucus*, which gave *Romulus* an occaſion to name them *Luceres*:) he made in all three Tribes φυλὰς, or nationall. After that *Romulus* had thus divided the whole body of the *Romans* into three Tribes, he then ſubdivided each Tribe into ten leſſer numbers, which he called *Curiæ*, or pariſhes: and then followed five other diviſions in reſpect of their different degrees, and callings: of which in their ſeverall order.

[b] Sig. de jur. Rom. l. 1. c. 3.

CAP.

Cap. 2.

De primâ divisione Romanorum, in Senatores *sive Patres,* Patricios *sive Patronos, &* Plebeios *sive Clientes.*

THe first division of the *Romans* in respect of their degree and place, was this: The elder, wealthier, and gravest sort of *Romans*, were called sometimes *Patricii*, either because of their age or gravity; or because they had many children (for great privileges were granted unto fathers of three children:) and sometimes *Patroni*, because they were as Patrons and fathers in helping and assisting the causes of the common people seeking to thē. The younger, poorer, and simpler sort were called, as they had relation to the *Patricii*, *Plebeii*, *id est*, the commons; as they had relation to their *Patroni*, they were named *Clientes*, *id est*, Clients: between whom [e] there was such a mutuall and reciprocall intercourse of love, and duty, that as the *Patrons* were ready to protect their clients, so the *Clients* were bound with all faithfulnes to cleave unto their Patrons: &that not only to credit thē with their attēdance in publike assemblies, but to disburse out of their own purses towards the bestowing of their daughters, the paying of publike mulcts, the giving of largesses in suing for offices, &c. Neither was it lawfull for either of them to inform, to depose, to give their voices, or to side with adversaries one against another without the guilt of treason: for which crime of treason they were *diis inferis devoti*, i. cursed to hell, and the law gave liberty for any man to kill them. Out of the *Patricii* did *Romulus* elect 100 counsellers to assist him in determining matters cōcerning the common weal: to these did *Romulus* after add another 100, and *Tarquinius Priscus*, as divers Authors testify, made thē a compleat 300, which they called *Patres*, or *Senatores*.

[e] Lazius de Repub. Rom. lib. 12. cap. 3.

Senatores, and their ſons *Patricii*. But in proceſs of time the Commons alſo were eligible into a *Senators* place. Some ſay that *Tarquinius Priſcus* added the ſecond hundred to the *Senate* out of the Commons,[d] who were called *Senatores minorum gentium, id eſt, Senators* of the lower houſe. *Brutus* added the laſt 100 & made them 300: at what time they began to be called *Patres conſcripti*. And this accordeth with *Ioannes Roſa* in his Epitome of the *Roman* hiſtory, in his *Ch. de Regibus Romanis*: where he ſaith, that *Tarquinius Priſcus* did double the number of the *Senators*: And likewiſe [e] *Alexander Neop.* ſaith, that *Brutus* made them compleat 300.

[d] Martin. Philiticus in Cic. l. 1. ep. fam. 1.

[e] Alex Gen. dier. 2. c. 29.

Cap. 3.

De ſecunda diviſione Romanorum in tres ordines, Senatorium, Equeſtrem, Popularem, *ſeu plebeium*.

After that through *Tarquinius Superbus* his tyranny, the very name of a King became odious to the *Romans*, not only the preſent King was exiled, but the Authority of a King ever afterward deteſted & perpetually abrogated; ſo that the office, which was before monarchichall, then was divided between two, called *Conſuls*: neither were they admitted for any longer ſpace then one yeare. At which time of change the *Romans* were divided into three orders or ranges, 1. into Senators, of whom before 2. into Gentlemen, called of the *Romans ordo Equeſtris*: by which we do not underſtand thoſe 300 *Celeres, id eſt*, Penſioners, called ſometimes *Equites*; for that was a place of ſervice, this a title and token of gentility; who although they were inferior to the chief Senate, yet they were of great eſteem among the *Romans*: and although they might not wear the ſame robe as the Senators did, namely the *laticlavium*, or garment beſtudded with flouriſhings of purple ſilk in manner of broad nail heads; [f] yet they might weare

[f] Roſin. antiq. lib. 1. cap. 17.

the

the *anguſticlavium*, a garment differing from the former only in this, becauſe the purple ſtuds, wherewith it was purfled, was narrow, & not ſo large as the *laticlavium*. They alſo at the time of their election received from the *Cenſors* an horſe called by them *equus publicus*, becauſe of the yearly allowance out of the common treaſury to keep him: it was alſo called *equus militaris*, becauſe of their ſervice in war (g they having their horſes kept as well in peace as war.) They received alſo a gold ring, h whereby they were diſtinguiſhed from the populacy: for it was not lawfull for any to wear a gold-ring under the degree of a Senator, or a Gentleman. The eſtimation and value of a Senators eſtate i untill *Auguſtus* his time was *Octingenta ſeſtertia*, that is 6000 l. k Of a Gentlemans eſtate, it was *quadringenta ſeſtertia*, i. of our Engliſh mony 3000 l. The third order, or degree in the *Roman* Common-wealth was *Populus*, the Popularcy, or Commons, which ſhould exerciſe trading, manure the ground, look unto the cattle, &c. Where by the way we muſt underſtand that the baſer ſort of the *Romans* which did wander up and down, to & fro, not ſetling themſelves to any vocation, were not contained within this diviſion, for unto them there was no name vouchſafed, but according to the Poet they were *ſine nomine turba*; or as *Livy* ſaith, *ignota capita*, men of no account, and therefore of no name.

g Lipſ. de magnitud. Rom. l. 1. dial. 5.
h Alex. Gen. dier l. 2. c. 29.
i Suet. in Auguſt.
k Plin. lib. 33. cap. 22.

Cap. 4.

De tertiâ diviſione in Nobiles Novos, & Ignobiles.

THis diviſion was taken from the right or privilege of having Images; for they were accounted Noblemen, which had the Images of their Predeceſſors: Thoſe which had their own Images only were called *Novi*, that is, late coyned Nobles or upſtarts. *Saluſt* uſeth this

word often in the disgrace of *Tully*, calling him *Novum & reptitium civem*, one that lately crept into the City. The third sort, called *ignobiles*, were those that had no Images, neither of their predecessors, nor of themselves. Before we proceed, we must understand, that is was not lawfull for who would to have his own image if he so desired; for none might be thus privileged, but those alone to whom the right of riding in a Curule chair belonged; and to these the right of images was permited, as well for the credit of their house, as to incite others to the like atchievements, when they would consider the divers ceremonies used unto these images in an honourable remembrance of those whom they did represent. Whence it followeih that *Ius nobilitatis* is nothing else but *Jus imaginis*: insomuch that this word [l] *Imago* doth oftentimes signifie Nobility; and the right of having Images with them, was the same as the right of having armes with us.[m] The superstitious conceipt which the *Romans* had of these images was such, that upon festivall dayes and all occasions of joy and mirth, those images should be beautified and adorned with garlands and flowers; upon occasion of grief and mourning, they would take from them all their ornaments, making them in a manner to partake of their mourning. Some they kept in their private closets,[n] others they exposed to the publike view of passengers, placing them in the gates of their houses, together with the swords, targets, helmets, ship-beaks, and such other spoiles as formerly they had taken from their enemies;[o] which it was not lawfull for any, though they bought the house, so much as to deface. Yea they were so annexed to the freehold, that they passed alwaies in the cōveyance of the house. The matter of which they were commonly made was wax, as that of *Juvenal* doth sufficiently witnesse,[p]

Tota licèt veteres exornent undiq; ceræ
Atria, nobilitas sola est atq; unica virtus.

Again, we may not thinke, that they made in wax a compleat

l Sig. de jur. Rom. l. 2. c. 20.
m Alex. Gen. dier. l. 5. c. 24.
n Barth. Lato. in Verrin. 7.
o Plin. 25. 2.
p Iuv. Sat. 8.

pleat ſtatue or a full portraiture of the whole body, but only from the ſhoulders upward.

Cap. 5.

De quartâ diviſione Romanorum in Optimates *&* Populares.

THis fourth diviſion of the *Romans* hath been occaſioned through the faction & ſiding of the citizens. Thoſe (according to the deſcription of [q] *Tully*) were *Optimates*, *id eſt*, the beſt citizens, who deſired their actions might be liked and approved by the better ſort: Thoſe *Populares*, *id eſt*, popular, who through deſire of vaine glory, would not ſo much conſider what was moſt right, as what ſhould be moſt pleaſing unto the populacy. So that here by this word *popular*, we underſtand not the Commons as formerly we did, [r] but be he Senator, Gentleman, or inferior, if he do more deſire that which ſhall be applauded by the Major part, then that which ſhall be approved by the better part, him the *Romans* called *Popular*, *id eſt*, ſuch a one, that preferreth the popular applauſe before the right.

[q] Cic. pro Sextio.

[r] Geor. Merula in orat. pro Ligario.

Cap. 6.

De quintâ & ultimâ diviſione Romanorum, in Libertos, Libertinos, *&* Ingenuos: *item de* Manumiſſione.

THe difference of the freedoms in the City of *Rome* hath given occaſion of this diviſion: for he or ſhe that had ſerved as an *Apprentice*, and afterward was manumized, was named *Libertus* or *Liberta*. The ſon whoſe father and mother were once apprentices, was called *Libertinus*; but that ſon whoſe father and mother were both *Li-*

bertines

bertines, or both free-born, [f] yea whose mother onely was free, was called *Ingenuus, id est*, free-born. But after *Appius Cæcus* his Censor-ship then began *Liberti* and *Libertini* to signifie one & the same degree of freedome: so that *Liberti* and *Libertini* were taken for those which served for their freedome, & *Ingenui* were takē for those which were free-born, whether their parēts were *Liberti* or *Libertini*. Here is occasion given us to consider the manner of their freedom, and such ceremonies which belonged thereunto. The freedome of the city of *Rome* was three wayes obtained: 1. By *Birth*, both, or at least one of the parents being free; & such were called *cives originarii*. 2ly. By gift and *cooptation*, when the freedom was bestowed on any stranger, or nation, and they were tearmed *civitate donati*: and so we reade that *Cæsar* took in whole nations into the freedom. Lastly by *manumission*, which was thus: when as the servant was presented by his master before the *Consull* or *Prætor*, the master laying his hand upō his servants head, used this form of words, *hunc liberum esse volo*, and with that turning his servant round and giving him a cuff on the ear, he did *emittere servum è manu*: the *Prætor* then laying a certain wand or rod called [g] *Vindicta* upon the servants head, replied in this manner, *Dico eum liberum esse more Quiritum*. Then the *Lictor* or Sergeant taking the wand did strike therewith the servant on the head, and with his hand struck him on the face, and gave him a push on the back, and after this he was registred for a freeman. Moreover the servant having his head shaven purposely at that time, received a cap as a token of liberty; whence *ad pileum vocare aliquem*, is to set one at liberty, as likewise *vindicta liberare*. [u] According to *Tertullian*, at this time of their manumissiou the servants received from their masters, a white garment, a gold ring, & a new name added unto their former. Whose authority if we admit, then the having of three names among the *Romans* was rather a signe of *Freedom* then of *Nobility*. And that of *Juvenal*.

Tan-

[f] Iustin. inst. l. 1. tit. de Ingenuis. vid. Franc. Sylv. in Catilinar. 4.

[g] P. Ramus in orat. pro C. Rabirio.

[u] Tert. de resur. carn.

Tanquam habeas tria nomina ——

Is not to be expounded, *as if you were a noble man*, but *as if you were a free-mā*. Here we may also consider the two severall kindes of servants; the first were called *servi*, and they could never attain to any freedom, without the consent of their master; [x] For those that were thus *servi*, were commōly captives either bestowed as a reward upon this or that souldier, or bought *sub coronâ*, or of other citizens that had gotten thē one of these two former wayes: the second were called properly [y] *nexi & addicti* because though they were free, yet by reason of their debt, *addicebantur*, that is, they were delivered up unto their creditors by the *Prætor* to work out the debt, so that after the paiment thereof, either by money or work, they did recover their liberty; whence they were said [z] *nomina sua liberare*, when they paied the debt; as on the contrary they were said *nomina facere*, when they became in debt. And their creditors when they sued for the payment, were said *nomina exigere*: *nomen* in these and the like places signifying as much as *debitū* a debt, [a] because the creditors did use to write down their debtors names. [b] The manner of suing for their debts was as it followeth; the debt being confessed, thirty dayes were allowed the debtor for the paiment of the money (those dayes of respite they called *dies justos, velut justitium quoddā, id est, juris inter eos interstitionem & cessationē.*) The mony not paid, the debtor was delivered up as a servant to his creditor, yea he was sometimes cast into prison, & unles the creditor were in the mean time compounded with, he remained threescore daies in prison & three market daies one after the other being brought before the Judge, the debt was solemnly proclamed, and upon the third market day, he was either sold to forrainers for a slave, or else was punished with death, each creditor being suffered if he would, to cut a piece of his dead body instead of payment.

x Dion. Halicar. lib. 4.

y Sig. de jud. lib. 1. cap. 31.

z Mica. Toxita in orat pro P. Quintio.

a Fr. Sil. in epi. virorum illust. l. 1. ep. 6.

b Vid Cœl. Rhodig. l. 12. cap. 20. Item A. Gel. lib. 2. cap. 1.

LIB. 2. SECT. 1.

The generall diviſions of the Roman *Gods.*

CAP. 1.

De Diis.

THough *Satan* had much blinded the hearts of men it old time, yet was not the darkneſſe of their underſtanding ſo great, but that they did eaſily perceive, and therefore willingly acknowledge, that there was ſome ſupream governor, ſome firſt mover, as *Ariſtotle* ſaith, ſome firſt originall of all goodneſſe, as *Plato* teacheth. So that if any made this queſtion, whether there was a God or no? he ſhould be urged to confeſs the truth of that, rather *argumẽto bacillino, quam Ariſtotelico*, rather with a good cudgell, then with any long diſpute. But as they were moſt certain, that there was a God, ſo were they again very blind in diſcerning the true God: and hence hath been invented ſuch a tedious catalogue of Gods, that (as *Varro* averreth) their number hath exceeded thirty thouſand, and proved almoſt numberleſſe. Wherefore I ſhall omit to make any diſtinct treatiſe of the Gods, intending *obiter* and by the way to ſpeak of them, which either had Prieſts, or ſacrifices inſtituted for them. Onely I purpoſe to ſhew what is under-

ſtood by thoſe generall diſtinctions of the Gods, which divers authors have uſed, *Tul. lib. 2. de legibus* reduceth all unto three heads, Gods celeſtiall, which *Varro* calleth ſelect, and others have ſtyled Gods *majorum gentium, id eſt*, of the greater nations, becauſe their power was greater then the others.[a] *Alexander Neopolitanus* ſaith, that twelve of theſe were the *Penates*, which *Æneas* did take forth with him at the deſtruction of *Troy*. *Ovid* calleth them *Deos nobiles*, noble Gods: others call them *Deos conſentes, quaſi conſentientes*, becauſe *Jupiter* would do nothing without the conſent of all. *Ennius* hath delivered them in this diſtich.

Iuno, Veſta, Minerva, Ceres, Diana, Venus, Mars,
Mercurius, Jovis, Neptunus, Vulcanus, Apollo.

The ſecond ſort of Gods were called *Semidei, id eſt*, Demigods; alſo *Indigites, id eſt*, Gods adopted, or canonized; men deified. For as the ſelect Gods had poſſeſſion of heaven by their own right; ſo theſe Gods canonized had it no otherwiſe then by right of donation, being therefore tranſlated into heaven, becauſe they lived as Gods upon earth: but becauſe their merit was inferior, & could not parallel the deſerts of the Gods ſelect therefore were they called Gods of inferiour note.[c] *Servius* would have theſe called *Divi*: obſerving this difference between *Dii* and *Divi*, that *Dii* ſhould ſignifie thoſe which had been Gods perpetually, but *Divi* ſhould ſignifie men made Gods, though commonly they are uſed one for another. Whence they called all their Emperors *Divi*, becauſe for their deſerts they thought them worthy to be Gods. Now the[d] manner how a man became deified was this; The party to be canonized being dead, a pile of wood was made in form of a great tent, or tabernacle, with three other leſſer tabernacles one oth' top of another, the lowermoſt having in it dry combuſtible matter, but on the out-ſide adorned richly with gold, Ivory, and painted tables: hither the dead corps was to be carryed with great ſolemnities, the Senate, the Gentlemen, & all the

a Alex. Gen. dier. l. 6. c. 6.

b Servius in lib. Georgic.

c In Æneid. lib. 5.

d Roſin. Ant. l. 3. c. 18 vid. Hoſpinian. de orig. Chriſt. F. p. 21. Vid. exemplum hujus conſecrationis in Severi ſepultura. Herodian. lib. 4. p. 298.

Loon

the chief magiſtrates going before, with hymns and ſongs, and all kinde of honour which was to be performed even to the Gods themſelves. He being in this manner brought, and laid within the ſecond tabernacle, the fire was kindled, by him who was to ſucceed in the Empire, for I finde none canonized but only Emperors at their deceaſe, forthwith at the kindling of the fire, a living Eagle was let fly from the top of the tabernacle, which was ſuppoſed to tranſport the ſoul of the dead body into heaven, inſomuch that ever after he was canonized amongſt the Gods, & worſhipped as a God. And becauſe they were thus turned into Gods, ſome have called them *Deos animales, quoniam animæ humanæ verterentur in Deos.* This canonization was by the Greekes termed ἀποθέωσις, by the Latines *conſecratio.* The third ſort were thoſe morall vertues, by which as by a ladder men climbed into heaven: and therefore did men ſtile them Gods, becauſe by their meanes men became deified. Late writers perceiving that all the number of the Gods could not de reduced into theſe three heads, have added a fourth ſort, which they call *Semones, quaſi ſemi homines,* becauſe ancient writers, as *Roſinus* hath obſerved, called men *hemones,* not *homines,* in which point I ſhall willingly condeſcend unto him; but I ſhall leave to the judgement of others, to determine how juſtly he hath reſtrained the Gods *minorum gentium,* of the leſſer Nations, only unto this laſt *claſſis:* whereas my opinion is, that the demy Gods, the morall vertues which have been ſtiled Gods, and theſe *Semones,* may all of them be called Gods of the leſſer nations, ſtanding in oppoſition with the Gods ſelect, which are called Gods of the greater nations. But that we may underſtand what is meant by theſe *Semones,* we muſt remember that by them are ſignified unto us not thoſe Gods wch do appertain to man himſelf, but to the neceſſaries of mans living, his victuals, his cloathing, and the like; not to the being of a mā, but to the welbeing of him: of which ſort is *Salus, Fortuna,* with others. We read likewiſe of other names

e Serv. in An. lib 3.

f Roſin. ant. lib. 2. c. 19.

given in common to divers Gods, not as oppoſite members of a diviſion, but as notes of diſtinction drawn from the diverſity of help, which they ſeverally did afford unto man. In this reſpect ſome mere called *Dii patrii*, or *tutelares*, ſuch as had undertaken the protection of any City or Towne: which opinion had ſometimes been entertained by our Engliſh men, & thence have riſen theſe & the like ſpeeches, S. George for England, S. Denis for France, S. Patrick for Ireland, &c. And the *Romans* being fully perſwaded of the truth thereof, whenſoever they went about to beſiege any towne, by certain enchantments or ſpells they would firſt call out theſe Tutelar Gods; becauſe they deemed it a matter impoſſible to captivate the city, as long as theſe Gods were within; or at leaſt they thought it a crime unexpiable to take the Gods as priſoners: and leſt other nations might uſe the ſame means in beſieging *Rome*, therefore [g] as divers Authors have thought, the true name of the *Roman* City was never known, leſt thereby the name of their Tutelar God might be deſcried. Others, namely the *Tyrians* have tyed faſt their God *Hercules* with a golden chain, thereby the more to ſecure themſelves of his reſidence among them. [h] Others have been called *Dii communes*, namely *Mars*, *Bellona*, and *Victoria*, becauſe in time of war they are not bound to either ſide: but ſometimes they help one ſide, and ſometimes the other. And as they ſuppoſed ſome Gods to have the protection of whole countries, ſo did they believe that others had the charge of particular men; and that ſo ſoon as any man was born, two ſpirits did preſently accompany him inviſibly, the one termed the *bonus Genius*, or good Angel perſwading him to that which ſhould be good; the other called the *malus Genius*, or evil Angel, tempting him to that which ſhould be hurtfull: inſomuch that they thought all the actions of mē to be guided by theſe Angels called *Genii*; ſo that if any misfortune befell a man, they would ſay that the matter was enterpriſed *Diis iratis, id eſt*, our *Genius* being diſpleaſed with us.

[g] Sylvius in epiſt. virorum illuſtrium.

[h] Alex. Gen. dier. l. 6. c. 4.

Virgil

Virgil calleth these bad Angels *Manes*, as it appeareth by that, *Quisq; suos patitur manes, id est*, Every man hath his evill Angell, *id est*, some misfortune. These *Genii* were thought to be a middle essence between men & Gods. They are therefore called *Genii*, because they have the tuition of us so soon as we are *geniti, id est*, born: It is most certain that old authors used *Geno*, for *Gigno*; whence [i]*Tully* saith, *Si mihi filius genitur*; & [k]*Varro*, *Antequam genat siliquas*: although every place had also his *Genius*, as hereafter shall appear. This opinion was the more confirmed by a vision which appeared unto [l]*Brutus* in *Asia* neer unto the time of his death; for *Brutus* watching upon a certain night in his pavilio, the candle being neer spent, saw a fierce rragicall person appear unto him, somewhat bigger then a man & he presently being of an undaunted spirit, demanded whether he were a God or a man? To whom the vision answered, *Brutus*, I am the evill *Genius* which hauteth thee. thou shalt see me at the City *Philippi* again, and the same vision appeared unto him, as he was fighting at *Philippi*, which was the last fight that ever he fought. And because *Iuno* was wont to be invocated in the time of Childe-birth, therefore many have thought that every man hath not his two Angels, but one Angel & *Iuno* to observe him: but it is agreed upon by best authors, that as the Angels or spirits which did attend men were termed *Genii*; so those which guarded womē were termed *Iunones*. This *Genius*, as often as he is understood for the good or evill *Angell*, which hath charge of a mans body, is painted in form of a man, as we read did appear to *Brutus*; though sometime he is painted as a young boy, sometime as an old decrepit man, [m] but alwayes with a crown of plane-tree, which therefore was called *Genialis arbor*: in the right hand he held a platter over an altar garnish'd with flowers, in the left he held a scourge hanging down. The sacrafice that was performed unto the *Genius* was wine & flowers: whereupō (as if by wine, and fragant odors were signified all kind of plea-

i Cic. lib. 2. de orat.

k Varro Rei Rust. l. 1. c. 31.

l Plut. in Brut.

m Rosin. antiq. lib. 3. cap. 14.

pleaſures) certain proverbiall ſpeeches have been occaſioned; as when we ſee a man given much to his pleaſure, and dainty feeding, we ſay he doth *indulgere genio, id eſt*, pamper or make much of his *Genius*; on the contrary, he that is abſtemious and debarreth himſelf of his pleaſure & dainty feeding, is ſaid *defraudare genium*, to defraud his *Genius*; and *genialis* ſignifieth jocund or pleaſant. [n] It was alſo the cuſtome after meals to have a cup paſſe round the table, much like unto our *poculum charitatis* & it was called *poculum boni genii*: [o] The *Græcians* had a like cuſtome; whence that cup was called by them, ἀγαθοῦ δαίμονος. But the reaſon why they would not ſacrifice unto their *Genius* by killing ſome hoſt, as they did to their other gods, was, becauſe they judged it unfit to deprive any creature of his life upon that day, when they firſt began their life (for this ſacrifice was performed yearly by every one upon his birth day.) *Horace* notwithſtanding doth more then intimate the killing of a young pig in that ſacrifice.

[n] Vid. Eraſm. adag.

[o] Cœl. Rhod. lib. 28. cap. 6.

... cras Genium mero
Placabis, & porco bimeſtri. Hor. lib. 3. *Od.* 17.

The other *Genius* which is ſuppoſed to have chief power over high waies & places, being therefore called *Genius loci*, was pictured in form of a ſnake, in which form *Virgil* feigned him to have appeared to *Æneas*, when he performed the funerall rites due unto his father *Anchiſes*, *Æneid. l.* 5.

... Adytis cum lubricus anguis ab imis
Septem ingens gyros, ſeptena volumina traxit.

And *Perſius*, Sat. 1.

Pinge duos angues, pueri, ſacer eſt locus, extra
Meiite. id eſt, duos Genios.

Another ſort of Gods was ſuppoſed to have the keeping of mens houſes; [p] which they painted in form of a dog, becauſe thoſe to whom the charge of houſes is committed ought to reſemble dogs, that is, to ſeem fierce & angry towards ſtrangers, but gentle and kinde to thoſe of the houſe-

[p] Franc. Sylv. in orat. pro Sext. Roſc. Am.

hold:

hold: other properties wherein these *Lares* do resemble dogs, are recited by *Ovid, Fast.* 5.

Servat uterq́, domum, domino quoq́, fidus uterq́, est,
Compita grata Deo, compita grata cani:
Exagitant & lar, & turba Diania fures,
Pervigilantq́, lares, pervigilantq́, canes.

They were named *Lares*; and because of the charge they had over mens houses, this word *Lar* is sundry times taken for an house it selfe, as *parvo sub lare, Horat.* in a little cottage, *homo incerti laris, id est*, a man that hath no house to dwell in. *Sen. in Med.* And the custome in sacrificing unto them, was to eat up all whatsoever was left at the offering, for they thought it an hainous matter to send any of that sacrifice abroad, either among their friends, or the poore: and thereupon when we see a glutton leave nothing in the platter, not so much as the curtesie morsell, we say *Lari sacrificat, id est*, he sacrifiseth to his house-hold God.

LIB. 2. SECT. 2.

Of the Roman Prieſts, with ſome particular Gods.

HE *Aunus* the ancienteſt of all the Kings in *Italy*, was the firſt that brought any forme of Religion into *Italy*. He conſecrated groves, gave names unto Cities, erected Temples, ordained ſacrifices, &c. from whom the Churches, as ſome ſay, were named *Fana*. But after *Faunus*, *Evander* comming out of *Arcadia*, and afterward being King of *Latium*, he inſtituted, and appointed many other ceremonies, which before were unknown to the Latines. After him *Æneas* comming from *Troy*, taught many of the *Trojan* ceremonies; by whoſe examples *Romulus* and *Numa* were incited to add many other kindes of holy rites, and at length reduced their whole religion into a certain order, eſpecially *Numa*, who that he might gain the more credit and authority to his new-invented ſuperſtitions, feigned that he had conference about them every night with the Goddeſſe *Egeria*. My intent therefore is, to ſpeak firſt of the God, in whoſe honour theſe holy rites were performed, and then to deſcend unto the Prieſts, which were to perform them, ſhewing withall the ceremonies they uſed in the performance.

Lact. de fall. rel. l. 1. c. 22.

CAP.

Cap. I.

De Pane Lycæo, ſive Juno: de Lupercis, & Lupercalibus.

Pan was ſuppoſed to be the God of the ſheep-herds, and is [a] thus deſcribed: he is pictured naked, having Hornes in likeneſſe of the Sunne beames, a long beard, his face red like the clear ayre, in his breſt the ſtar *Nebris*, the neather part of his body rough, his feet like a Goat: in one hand he holdeth a Pipe, in the other a ſheepherds crook, and alwaies is imagined to laugh. [b] He was worſhipped firſt in *Arcadia*, and there called the God *Pan Lycæus*, but afterward he was had in great eſteeme at *Rome*, [c] and in the honour of him certaine ſacrifices, and games called *Lupercalia* were ſolemnized by the *Romans*. [d] There he took the name *Inuus*, or as ſome ſay, *Iunus*. Concerning the time, whē theſe ſacrifices were to be performed; it was upō the [e] unfortunate daies of the moneth *February*, which hath his name *à februando*, from purging: whence the feaſt or game is as a purification; though the Latine word ſignifieth as much as a feaſt of Wolves, in a memoriall that *Romulus* and *Remus* were nurſed by a ſhee-woolfe. This ſeemeth very probable, becauſe the Prieſts, which were called *Luperci*, began their courſe at the foot of the mount *Palatine*, called by the Romans *Lupercal*, *id eſt*, the place where the Woolfe nurſed [f] *Romulus*. The ceremonies were theſe: the hoaſt (being two Goats) was to be ſlain; & two noble mens ſonnes were to be preſent, whoſe foreheads being blooded with the knives of them that had ſlain the Goats, by and by were to be dried up with wooll dipped in milk. Then the young boyes muſt laugh immediatly after their foreheads were dry. That done, they cut the Goats skins, & made thongs of them, which they took in their hands, and

[a] Servius in Virg. Ecl. 2.

[b] Feneſt. de ſacerd. cap. 1.

[c] Feneſt. ib.

[d] Pomponius Lætus de Sacerdot. cap. de Luper.

[e] Plutarch. in Romulo.

[f] Plutarch. in Romulo.

ran with them all about the City ſtark naked (ſaving they had a cloath before their privities) and ſo they ſtruck with thoſe thongs all they met in the way. The young wives did never ſhun them at all, but were well contented to be ſtricken with them; believing it helped them to be with child, and alſo to be eaſily delivered. Moreover it is to be noted that a dog was ſacrificed at this time, becauſe there is a naturall antipathy or contrariety of nature, between the dog and the woolf: whereby *Romulus* thought to teſtifie his gratefulneſſe unto the woolf for her pains in nouriſhing him. The reaſon why the prieſts ran up & down the ſtreets naked, was becauſe that *Pan* the God of this ſacrifice was painted naked. As the feaſt, ſo alſo the place from whence they came, and likewiſe the Prieſts had their names *à Lupa*, which ſignifieth a woolfe. Some Authors have obſerved three ſorts of the *Luperci*, ſome called *Fabiani*, ſome *Quintiliani*, from *Fabius* and *Quintilius* their governours: the third ſort, which [g] *Roſinus* affirmeth to have been added in the honour of *Julius Cæſar*, I cannot finde according to his quotation in *Suetonius*. But thus much *Suetonius* ſaith in [h] another place, namely, that *Auguſtus Cæſar* when he was cheif Pontify did reſtore theſe games againe, being formerly aboliſhed.

[g] Roſin. ant. l. 3. cap. 2.

[h] Sueton. in Auguſt.

Cap. 2.

De Cerere, & Sacris ejus.

Ceres, otherwiſe called *Eleuſina*, was honoured firſt among the *Græcians*, afterward among the *Romans*, as a Goddeſſe, which firſt taught men the skill of husbandry.

Prima Ceres ferro mortales vertere terram
Inſtituit. Virg. Georg.

Whence ſhe is ſometimes *metonymicè* taken for corne, as

credenda

credenda Ceres arvis, Ovid. It is ſeed time. She is called *Ceres*, [i] *quaſi Geres, a gerendis frugibus*, from bearing fruit; becauſe as ſome ſay, by *Ceres* is underſtood ſometimes the earth it ſelf, whence alſo Δημήτηρ being the Greek name of *Ceres* is ſaid *quaſi γῆ μήτηρ, id eſt*, the earth, which is the common mother of us all. [k] She is painted in the habit of a Matron wearing a garland of corn; ſometime ſorrowfull, with a lamp in her hand, as if ſhe were ſeeking out her daughter *Proſerpina* carried by *Pluto* into hell; and ſometime with a handfull of corne or poppy ſeed. Vpon the fift of the Kalends of April the Romans were wont to performe ſacrifices unto her, which they called *ſacra Græca, id eſt*, the Grecian ſacrifices, as likewiſe they tearmed the cheiſe woman which did performe them, *ſacerdotem Græcam, id eſt* the Greek Miniſtreſſe, becauſe they were tranſlated into *Rome* out of *Greece* by *Evander*. The time of their ſolemnities was at the dawning of the day, and the Preiſts, which were only women which ran up and down with lamps in their hands in manner of mad women; into whoſe Temple none that was guilty of any fault committed might enter: whoſe myſteries were to be buried in ſilence, and by no meanes to be blabbed abroad. And as it is to be ſuppoſed, that was the reaſon why all wine was forbad in this ſacrifice. So that hence [l] we ſay *Cereri ſacrificat* he ſacrifices to *Ceres*, when he makes a feaſt without wine.

[i] Cic. lib. 3. de nat. Deor.

[k] Roſin. ant. lib. 2. cap. 11.

[l] Plautus in Aulularia.

Cap. 3.

De Potitiis, & Pinariis, Herculis ſacerdotibus.

Hercules had an Altar erected in the memoriall of him neare unto *Tiber* by *Evander*, upon occaſion of the herds-men's complaint brought unto *Evander* of him, whom they accuſed to have ſlain their cheiſe herds man *Cacus*, the Hiſtory being [m] thus; *Hercules* after his conqueſt

[m] Ser. Æn. lib. 8.

queſt over *Geryon* brought away with him certaine goodly Oxen, and as well to reſt himſelf, as to paſture his Oxen, he laid him down to ſleep in a green field neere the river *Tyber*. In the mean while a certain herds-man called *Cacus* happened to come that way, and perceiving *Hercules* to be in a ſound ſleep, he ſtole away two of his Oxen, which he hid in a cave, or hollow rock, pulling them in by the taile backward, thinking that *Hercules* when he ſhould look his Oxen & ſee the print of their footſteps, would eaſily believe that his Oxen had rather gone out from that rock than into it, as indeed he did for a time believe: but afterwards by the bellowing of the Oxen within, anſwering their fellows without, *Hercules* entred the rock, & finding the theif *Cacus* there with his Oxen, he killed him, by reaſon of which murder he was brought before *Evander*; and after a while known to be the *Hercules*, of whō the Propheteſs *Garmenta* had foretold unto *Evander*, that he ſhould be a God: wherupon *Evander* preſently ſaluted him by the name of *Hercules* the ſon of *Jupiter*, & in honour of him cauſed an Altar to be built there in that place: upon which yeerely was to be offered up an Heifer which had never borne yoke; and that this ſacrifice might be had in the more eſteem, two Noblemen well ſtrucken in yeeres, and of good repute among the Romans, one of them being called *Potitius*, & the other *Pinarius* were appointed as the Preiſts to performe theſe ſacrifices; from whom ever after *Hercules* his Preiſts were called *Potitii*, and *Pinarii*. Where by the way we muſt obſerve, that *Pinarius* was not the ſur-name of this Noblemā, but a name added unto him, intimating his & his ſucceſſours puniſhment for not comming ſoon enough according to the time appointed by *Hercules*. For as divers writers teſtify, the entralls of the hoaſt were almoſt eaten up by the family of *Potitius*, before *Pinarius* & his family came, & in puniſhment of their negligence *Hercules* enjoyned the *Pinarii* never after to eat of the entrals, giving thē this name *Pinarii* at that

u Serv. Æn. lib. 8.

that time, from the Greek word λιμὸς ſignifying hunger.

Cap. 4.

De Fratribus Arvalibus.

THis Colledge or company of Roman Prieſts may be Engliſhed the *Arvall fraternity:* the number of them being twelve, eleven of them naturall brothers, ſons to *Acca Laurentia, Romulus* his foſter-mother;[o] for which reſpect *Romulus* yielded himſelf her adopted ſon, inſtituting this order in the honor of *Ceres* and *Bacchus* for the plenty of wine and corn, unto whom they did offer up certain ſacrifices called *Ambarvales hoſtiæ, quòd antequam mactarentur ter circum arva ducebantur*, according to that of *Virg. Georg. Terq; novas circum felix eat hoſtia fruges*, that they being therewith appeaſed might the willinger cauſe the earth to fructify, and added himſelf to the former eleven as the twelfth Prieſt, or brother to help in the performance of this publike ſacrifice: moreover beſide the performance of this ſacrifice, theſe twelve were appointed *arbitrators*, or Judges to decide controverſies concerning land-marks and bounds of the field, from whence they took their name *fratres arvales*. Their ſacerdotall ornament was a garland of wheat bound up with a white ribband, this being, as[p] *Pliny* writeth the firſt Crown, or garland amongſt the Romans.

[o] Feneſt. de Sacerd. c. 3.

Hoſp de orig. Monach. c. 10.

[p] Plin. lib. 17. cap. 2.

Cap. 5.

De ſexaginta Curionibus.

AFter that *Romulus* had divided the whole body of the *Romans* into three Tribes, or Wards, and ſubdivided thoſe three Wards into thirty pariſhes, called *Curiæ*, he ordained out of each *Curia* two pariſh-Prieſts or Curates called *Curiones*, or *Flamines Curiales*; which were pub-

publikely to offer up ſacrifice in the behalfe of the people. Neither was every one equally capable of this honour of Prieſthood,[q] but he was to be at the leaſt fifty yeares old, of a life unſpotted, and a body unmaimed. And over all theſe there was one which had chiefe rule, and therefore was called *Curio maximus*, the Biſhop, or cheife Prelate: and theſe ſacrifices were called *Curionia*.[r] Their ſacrifice being ended, each pariſh had a feaſt in a common hall built for that purpoſe: it was called *Domus Curialis*, and ſometimes *Curia*.

q Dion. Hal. lib. 2.

r Dion. Hal. lib. 2.

Cap. 6.

De Auguribus, & eorum Collegio.

AMongſt other kindes of fore-tellers, we read of three principally uſed in former time, namely, *Aruſpices*, *Auſpices*, & *Augures*: all which we Engliſh Sooth ſayers, though the Latine words do import a main difference, worth our obſervation: all are alluded unto by *Ovid*,

Ovid. triſt. l. 1 Eleg. 8.

Hoc mihi non ovium fibræ, tonitruſve ſiniſtri,
Linguave ſervatæ pennaſve dixit avis.

The *Aruſpices* did divine, or foretell things to come by beholding the entrals of Beaſts ſacrifiſed: whence they had their name, *ab aras inſpiciendo*, frō beholding the altars. The *Auſpices* did foretel things by beholding the flight of birds; ſo that *Auſpices* are ſaid *quaſi aviſpices*, *ab aves aſpiciendo*. The *Augures* did divine from hearing the chatting or the crowing of birds: whence they are called *Augures ab avium garritu*, from the chirping and chatting of birds. Theſe two laſt kinds of ſoothſaying have occaſioned theſe, and the like phraſes, *bonis avibus*, or *auſpiciis*, with good luck, *malis avibus, id eſt*, with ill luck: and becauſe they would beginne, nothing *inauſpicato, id eſt*, without the counſell of the *Augures*, hence *Auſpicari rem* hath been tranſlated, to begin

t Fr. Sylv in orat. pro Civentio.

gin a matter. The Colledge of the *Augures* at Rome was firſt appointed by [u] *Romulus* himſelf, being very expert in ſoothſaying, there being at the firſt but three, namely one of each Tribe: (The word *Augur* being not taken in his own proper ſenſe and ſignification above mentioned; but generally, by the trope *Synechdoche*, ſignifying all kindes & ſorts of divining whatſoever, whether it were by obſerving the entrals of beaſts, the flying, ſchreeching, & chatting of birds, or thundring, or lightning in the heaven, or marking the rebounding of crums caſt unto birds, which kinde of divining was called *Tripudium.*) [x] *Servius Tullius* the ſixth Romane King, when he divided *Rome* into four locall Tribes, *id eſt*, Regions, or quarters, then did he adde the fourth *Augur*, all of them being elected out of the *Patricii*, or the Nobility of Rome. [y] In proceſſe of time *Quintus & Cnaus Egulinus* being choſen *Tribuni plebis*, *id eſt*, protectors of the Commons, obtained that five other *Augures* ſhould be choſen out of the commonalty, and added unto the former four: at which time the Senate decreed that the Colledge of *Augures* ſhould never exceed the number of 9. [z] Notwithſtanding *Sylla* being *Dictator* added 6 more, inſomuch that their Colledge increaſed to the number of 15: the eldeſt of which was called [a] *Magiſter Collegii*, the Maſter, or *Rector* of the Colledge. The *Augures* excelled other Prieſts in [b] this reſpect, becauſe if any of them had been convinced of any hainous crime, he did not loſe his office, neither was any other ſubrogated into his room, although the Romane cuſtome was, that if any other Prieſt had cõmitted any notorious offence, he ſhould preſently be diſcharged of his office, and another choſen in his place. [c] The maner how the *Augur* did obſerve was this: He ſate upon a Caſtle, or a Towre, the aire being clear and fair without clouds or rain, holding a crooked ſtaff (called in Latine *Lituus*) in his hand, where ſitting in his ſoothſaying robe, called *Læna*, & in Greek χλαῖνα, ἀπὸ τοῦ χλαίνειν, *à calefaciendo*, from heating, becauſe it was well

u Pomp. Lætus cap. de Augur.

x Roſin. ant. lib. 3. cap. 8.

y Roſin. ibid.

z Roſin. ib.

a Alex Gen. dier. l. 5. c. 19.

b Alex. ib.

c Pomp. Lætus de Aug.

lined within, being garded on the outside with purple and crimson gards) having his head covered, and his face turned toward the east, so that his back was west-ward, his right side southward, and his left north-ward. Being thus placed, he quartered out with his crooked staffe the heavē into certain *templa, id est*, Regions or places, observing in what region the birds did appear: then killing his sacrifice, and offering up certain prayers called *Effata*, he proceeded in maner as followeth. But first suppose we for our better understanding hereof, that now the *Augures* were to resolve the people, whether the Gods would assent that *Numa Pompilius* should be king. The *Augur* having done as above is shewed, his *Lituus* being in his left hād, he reach'd forth his right hand, putting it upon *Numa Pompilius* his head, using this forme of words, *Jupiter pater, si fas sit Numā Pompiliū, cujus ego caput teneo, regē Romæ esse, fac uti nobis signa certa ac clara sint inter eos fines quos feci*, i.e. If it be lawfull for this *Numa Pōpilius*, whose head I hold, to be King of *Rome*, shew some manifest tokens within these regions or quarters which I have described. Then if he observed lucky signes & tokens, he presently pronounced *Numa Pompilius* King of *Rome:* if he perceived unlucky tokens, then did he *obnunciare*, or gainsay, and shew that the matter proposed was not pleasing to the Gods. Where by the way we must note, that nothing was confirmed by the *Augures* without the appearance of two lucky tokens one after another; neither was any thing gain-said by the appearance of one only evill token. The distinctions of the soothsayings have been taken, some from the event, and thence are they called *prospera*, lucky, or *adversa*, unlucky; some from the manner of appearing, [d] and that was either wished, being called therefore *impetrativa*, or unwish'd, called *oblativa*; some from the diversity of things which offered themselves in time of divining, and so there were five distinct sorts: the first was by the observing of lightning and thunder from heaven; the second from the flying

[d] Ser. Æneid. lib. 6.

flying & chatting of birds; the third from bread caſt to pullets or little chicken; the fourth from four-footed beaſts, which either ſhould croſſe the way, or appear in ſome unaccuſtomed place; the fift from thoſe caſualties whereby the Gods do make their anger appeare unto us. Of this ſort are thoſe voices which we hear we know not whence (as [e] *Cadmus* heard when he overcame the ſerpent;) the falling of ſalt towards us at the table, the ſhedding of wine upon our clothes, from which caſualties and the like, the *Augures* would pronounce either good fortune, or bad to enſue: And theſe tokens were therefore called *Dira*, becauſe thereby *Dei ira nobis innoteſcit*, the Gods anger is made known unto us. Now the things that in divining time appeared on the left hand were commonly tokens of good luck, becauſe the givers right hand in beſtowing a benefit is oppoſite to the receivers left hand. Whence [f] *ſiniſtrum*, though in humane affaires it ſignifie as much as unlucky, yet in thoſe holy rites of divining *ſiniſtrum* is taken in a contrary ſenſe, as *Avis ſiniſtra* good luck; *Intonuit Lævum*, it hath thundred luckily, we ſhall have good ſucceſſe: & it is ſaid *à ſinendo*, becauſe the Gods thereby do ſuffer us to proceed in our purpoſed projects. And therefore *Tully* ſaith, *lib.* 1. *de divinatione*, *a ſiniſtrâ cornice ratum & firmum augurium fieri*: and in the law of the 12 tables it is ſaid, *Ave ſiniſtrâ populi magiſter eſto.* [d] The *Græcians* from hence in the judgement of *Lipſius* have called the left hand ἀριστερὸν from ἄριστον ſignifying the beſt.

[e] Vox ſubitò audita eſt neq; erat cognoſcere promptum Unde, ſed audita eſt. *Ovid. Met. l.* 3. *fab.* 1.

[f] Serv. Æneid. lib. 2.

[d] Lipſ. Elect. lib. 2. cap. 2.

Cap. 7.

De Tripudiis & Pullariis.

THis kinde of conjecturing is called *auſpicium coactum*, [g] *quoniam neceſſe erat offâ objectâ cadere fruſtum ex pulli ore, cùm paſcitur.* The word *Tripudium* is uſed by a *ſyncopation* for *terripudium*, which is as much as *terripavium*

[g] Cic. de divinat. lib. 1.

vitum, id est, a dancing or rebounding of any thing upon the ground: for *pavire* is the same with *ferire*.[b] Others say *Tripudium quasi tritio pedum*. It is here taken for the divining, or conjecturing of good or evil to come by the reboūding of crums cast to chicken in a coop or pen: whence the *Augur* from these pullets or chicken was called *Pullarius, id est*, a Bird-Prophet.[i] The manner in observing was this: as often as by this kinde of conjecturing they desire to know the Gods pleasure concerning the enterprizing of any matter, early in the morning those that were skilfull in this kinde of observation, repaired unto the place where the chicken were kept, where silence being commanded, and the coop opened, they cast crumbs of bread to the chicken: now if the chicken either came slowly, or not all unto the bread, or if they walked up and down by it not touching it, then was it a token that the matter to be enterprized was displeasing unto the Gods: but if contrarily the chicken did hastily leap out of the coop and eat so greedily of the crums, that some should fall out of their mouthes again, then the *Pullarius*, that is, the *Augur* pronounced that it was well pleasing to the Gods, and encouraged the enterprizing of what they had intended cheerfully: and this was called *Tripudium solistimum*. This kinde of conjecturing may seem to have its originall from the *Lycians*,[k] who as often as they desired to fore know the successe of any enterprize, they went unto the fountain dedicated unto *Apollo*, into which they cast baits for the fish: now if the fishes did eat them, it did betide good luck; if otherwise they neglected the baits, then it did betoken some evill event.

[b] Humbert. in lib 6. Ep. fam. Cic.

[i] Alex. Gen. dier. l. 1. c. 29.

[k] Alex. ib.

CAP.

Cap. 8.

De Aruſpicibus, Aruſpicinâ, & Extiſpicio.

THis kinde of Sooth-ſayers, as they were called *Aruſpices, ab aras aſpiciendo*, from the beholding the beaſt upon the altar; ſo were they called *Extiſpices, ab exta aſpiciendo*, from beholding the bowels or entrals of the beaſt, called in Latine *Exta*. In this kind of ſooth-ſaying the *Aruſpex* obſerved in manner as followeth: firſt whether the beaſt to be ſacrificed came unto the altar willingly, without plucking and haling; whether he dyed without much ſtrugling, or lowd bellowing, at one blow or many; whether any unlucky object were ſeen, or heard by the whiles they were ſacrificing. Again, after the beaſt was ſlain, then would they obſerve whether the bowels were of an unnaturall colour, whether they were not uleerous, exſiccate, or impoſtumated: moreover they would divide the bowels into two parts, the one they would call *partem familiarem*, from whence they would fore-tell what would befall themſelves and their friends; the other they would call *partem hoſtilem*, whence they gathered predictions touching their enemies. Hence *Manto* in [m] *Seneca* deſcribing the entrals of his killed ſacrifice, ſaith, *Hoſtile valido robore inſurgit latus*, meaning by *hoſtile latus, partem hoſtilem*. Afterward when the ſacrifice was to be burned, they conſidered whether the flame of the fire was ſmoakie, whether the ſmoak rolled and tumbled in the ayre, whether it were of any continuance or no: for all theſe were unfortunate tokens, as the contrary did betoken a good and fortunate iſſue to their deſignments. Theſe laſt which obſerved the fire & ſmoke were called by a more peculiar name *Capnomantes*, ſmoke-augurers, from the Greek words καπνὸς ſignifying ſmoke, & μάντις, *id eſt, vates*, or a Soothſayer. The firſt inſtructions that the *Romans* recived

[l] Senec. Oed. Act. 2. ſcen. 2.

[m] Oedip. Act. 2. ſcen. 2.

was from the *Hetruſci*, (who as they themſelves ſay) received their knowledge from a little boy, which they named *Tages*, the hiſtory being thus; [n] when the *Hetruſci* were plowing the lands, upon a ſudden upſtarted this *Tages* out of one of the furrows, uſing divers ſpeeches unto the plow-men: but they being much affrighted at this ſudden & ſtrange viſion, began with a loud cry to lift up their voices; upon occaſion whereof many other people flocked thither, where he gave many good inſtructions concerning this kinde of ſoothſaying, which were preſently recorded in books, and practiſed afterward by the *Hetruſci*.

n *Cic. de divinat.* Indigenæ dixere Tagem, qui primus Hetruſcam Edocuit gentem caſus aperire futuros. *Ov. Met. lib. ult.*

Cap. 9.

De Flaminibus.

THe mitre or head-ornament which theſe Prieſts did wear, was called in old time [o] *Flama*, whence the Prieſts took their name *Flamines*. The [p] cuſtome amongſt the *Gracians*, as likewiſe afterwards among the *Romans* was, that the Kings ſhould as well perform ceremonies and holy rites of religion, as civill buſineſſes. But *Numa Pompilius* perceiving that forrain wars did oftentimes occaſion the Kings abſence, inſomuch that thoſe religious ceremonies which he himſelf perſonally ſhould perform were of neceſſity ſometimes neglected, hereupon he ordained out of the *Patricii* three Prieſts to perform that divine ſervice unto *Jupiter*, *Mars*, and *Romulus*, which he himſelf otherwiſe ought to have performed, calling the firſt *Flamen Dialis*, the other *Flamen Martialis*, and the laſt *Flamen Quirinalis*, from *Romulus*, which was often called *Quirinus*,

Sive quòd haſta quiris priſcis eſt dicta Sabinis,
Bellicus at telo venit in aſtra Deus.
Sive ſuo regi nomen poſuere Quirites.
Seu quia Romanis junxerat ille Cures.

o Roſin. antiq. lib. 3. c. 15.

p Rex Anius Rex idem hominum Phœbiq; ſacerdos. *Virg.*

In

In processe of time twelve others chosen from the Cõmons were added unto these, but with this note of distinction, that the three first were had in great esteeme, and were called *Flamines majores*, high priests; the other of lesse note called *Flamines minores*, inferiour priests; the cheif of all was the *Flamen Dialis*, *Jupiters* high Priest. And whereas every one did weare a certain bonnet in form of a mitre, which sometimes was called *Pileum*, sometime (by the figure *synecdoche*) *Apex* (whereas *Apex* doth properly signify onely the top of the bonnet) [q] none might weare *Albo-galerum*, *id est*, a white mitre, but only *Jupiters* Priest, and that was to be made of a white sheep-skin, after the sheep had beene sacrifised. Whatsoever malefactor could escape unto this Priest, he should not be punished that day. None was eligible into this office, but he that was married: neither was it lawfull for him to marry twice, but if his wife died, *Flaminio abibat*, *i.e* he resigned his sacerdotall office. To him was permitted a rich robe of state, and a curule chaire; none might fetch fire out of his house, unlesse it were to perform some sacrifice therewith; [r] none might barbe or poll him but a free-man, and that with brasen scissers. Many other ceremonies there were which concerned this *Flamen*, as likewise Time added many other *Flamines*, namely [s] every God one, yea sometime those threescore Parish-priests which formerly were called *Curiones*, were called *Flamines Curiales*, & divers Emperors after their death had also their *Flamines*. [t] Moreover we must note that those Priests wives were called *Flaminicæ*; Their ministers (for they were wont when they went to sacrifise to take a boy or a maid with them) *Flaminii*, or *Flaminiæ*: and the cheife *Flamens* dwelling-house was called *ædes Flaminea*, or *Flaminia*. But as it seemeth probable, *Numa Pompilius*, and so the other Kings succeeding him, did still reserve their right and authority in holy matters so far, that they would instruct other inferiour Priests, yea and specially perform some speciall sacrifices themselves

[q] Alex. Gen. dier. l. 6. c. 12.

[r] Servius Æn. lib. 1.

[s] Feneſt. de sacerd. cap. 5.

[t] Alex Gen. dier. l. 6. c. 12.

themselves: whereupon after that the Kings authority was abrogated amongst them, then that these sacrifices might be continued, they chose a certain Priest, which they preferred before the *Flamen Dialis*, but judged him inferiour to the *Pontifex maximus*, or Arch-Pontifie, and him they called *Rex sacrificulus*, & *Rex sacrorum*, the King-Priest. To him once every year the vestall Nunnes repaired, and used this form of words, "*Vigilasne Rex? Vigila.* King art thou awake? awake. For unto him it did belong to bid holy dayes, and to provide all things necessary for publike sacrifices. He was to instruct those that sought unto him, the causes of the holy-daies, and to tell them what was lawfull and unlawfull every moneth, and upon the fifth of the *Ides* of January he sacrificed a *Roman* to *Janus*. He was likewise wont to offer up a sacrifice in the *comitium*, or great hall of justice, which being finished, he ran as fast as he could out of the market-place without delay: His wife was called *Regina sacrorum*, the Queen-Priestesse, and was wont upon the Kalends of every moneth to sacrifice a Porker, or a Lamb in her place, in the honour of *Juno*.

" Serv. in Æn. 10.

Cap. 10.

De Marte, sive Mavorte, & Saliis Palatinis Marti dicatis.

Mars, otherwise called *Mavors* by the figure *Epenthesis*, as we say *Imperator* for *Imperator*, was reputed the God of warre, and so *Metonymicus* is used for war, as *vario Marte pugnatum est*, the battle was doubtfull; *proprio Marte*, by ones own strength, and labour. He was the son of *Juno* only, without company of her Husband: for when *Juno* was greatly displeased with her selfe, that *Jupiter* by striking his head, without company of a woman did bring forth the Goddesse *Minerva*, she by the counsell

counſell of the goddeſſe *Flora* touched a certaine flowre in the field of *Olenius*, by vertue whereof ſhe immediatly conceived the God *Mars*. This God, by reaſon of his dominion in war the Romans painted fiery, ſometimes in his chariot, ſometimes on horſeback, with a Javelin in one hand, and a Scourge in the other. In old coines there was ſometimes the picture of a cocke joyned with him, to ſhew the vigilancy, and carefulneſſe that ſouldiers are to uſe. He was called [x] *gradivus*, *à gradiendo*, from marching in battle againſt his enemies. He had a Temple without the City, whence he was called *extramurancus*. [y] Neer unto this temple without the gate *Capena*, did ly a ſtone of great note, wch upō great droughts the people would bring into the city, & preſently Raine would follow; whereupon it was called the Raine-ſtone, *Lapis manalis*, *à manando*. *Numa Pompilius* in the honour of *Mars*, ſurnamed *Gradivus*, ordained 12 dancing Prieſts, called *Salii à ſaliendo* from dancing, which number afterward we finde to have beene doubled by *Tullus Hoſtilius*, in the war againſt *Fidena*, a towne of the Sabines. The former 12 being called *Salii Palatini*, from the Palatine Mount, where they did begin their maurisk: the other, *Collini*, from the hill where their Chappell ſtood; [a] and ſometimes *Quirinales*: & ſometimes *Agonales*: ſo that the whole Colledge contained 24 Prieſts. [b] The occaſion of their firſt inſtitution was this: Upon a certain time, in the raigne of *Numa*, the plague, or ſome other contagious ſickneſſe was very hot among the *Romans*, inſomuch, that no ſacrifice, or holy offering could remove it: at that time a certain braſen Target, or Scuccheon called in Latine *anea pelta*, or *ancile*, big at both ends but cut like an halfe Moon on each ſide fell from heaven into *Numa* his hands: with a certain voice promiſing all health unto *Rome*, ſo long as that braſen Target could be kept ſafe. Whereupō *Mamurius*, a cunning workman, by the appointment of *Numa*, made eleven other *ancilia*, ſo like the firſt, that neither could be known from the

x Roſin. ant. lib. 2. cap. 10.
y Roſin. ibid.
z Plutarch. in Numa.
a Dion. Halicarn. lib. 2.
b Plutarch. in Numa.

other (to the intent that if any ſhould be ſo wicked-minded as to ſteale it, he might fail of his purpoſe by miſtaking one for another.) Theſe twelve Prieſts had the cuſtody & keeping of them committed to their charge, and in the month of *March* every yeer they apparelled themſelves with a Party-coloured coat, called *tunica verſicolor*, girt cloſe to their body, with a belt, or ſword-girdle, and a breſt-plate of harneſſe, called *aneum tegmen*, upon that, & a robe of eſtate, called *trabea*, claſped about them upmoſt of all. Upon their heads they did weare *apices*, *id eſt*, Caps much like unto the *Perſian* Bonnets, called in Greek κυβασίας, or πάτους. They did ſomewhat reſemble our head peices in war, made cloſe unto the head, with a creſt of cloath upon the toppe, whence ſome have called them *Galeas*. They being thus apparelled, danced about the *Forum*, or market-place, and the Capitoll, with ſhort ſwords by their ſides, a Javeline in the right hand, and their *ancile* in the other; uſing certain Songs, either of the Gods, and thoſe they called *Januſii*, *Junonii* and *Minervii*; or of men, and thoſe they called *axamenta*, becauſe in thoſe Songs they did *axare*, *id eſt*, nominate and call upon the names of ſome well-deſerving men: as *Mamurius* which made thoſe eleaven Scutcheons, was often called upon in thoſe Songs. Vpon their feſtivall daies they had exceſſe of cheere, whence *Horace* hath uſed *ſaliares dapes*, to ſignify dainty fare.

e Dion. Halicarn. lib. 2.

d Horat. lib. 1 Ode 37.

Cap. II.

De Fœcialibus, & Patre patrato.

THeſe *Faciales* were Officers at Armes, or Heralds, to denounce war, or proclame peace, appointed thereunto at firſt by *Numa Pompilius*. The chiefe part of their Office was to diſſwade the *Romans* from moleſting any confederate Nation with unjuſt warre: and if any confederate

e Pomp. Lætus de ſacerd.
f Dion Halicar. lib. 2.

confederate Nation did offer injury unto the *Roman* people, then did theſe *Fœciales*, go as Embaſſadours unto them, perſwading and exhorting them to yield the *Romans* their right: but if they continued thirty dayes obſtinate, refuſing to yield to that which ſhould be juſt and right, then did they preſently denounce w[illegible]m, caſting forth a dart in token thereof; wh[illegible]enunciation was [g] called *clarigatio, à clarâ voce quâ utebatur Fœciales.* Others are of opinion, that whenſoever war was denounced, this Herald at Armes ſhould [h] turn looſe a Ram unto their enemies borders; ſignifying thereby, that their fields ſhould ſhortly become paſture for the *Romans*: from which cuſtome we ſay of one that [illegible]igeth another into the field, *Arietem emiſit.* Again if the *Imperator*, or Lord-generall, had done ought againſt his Oath, theſe *Fœciales* by their ſacrifice did avert the wrath of the Gods from him. The chiefeſt of them was called *Pater-patratus*, a perfect father: for hee only could be *Pater-patratus*, which had both children of his own, and his father alſo alive. They were called *Fœciales à fœdere faciendo*, from making a league or peace between Nations. This league, which we in Latine do call *Fœdus*, the *Romans* in old time [i] did call *Fides*, as *Ennius* & *Pighius* witneſſe: whence theſe *Fœciales* were tearmed alſo *Fidei Flamines.*

[g] Serv. Æn. lib. 2.

[h] Vid. Eraſm. Adag.

[i] Pighius Sep-tim. lib. 1.

Cap. 12.

De Duum-viris, & Decem-viris, & Quindecem-viris, Sacris faciendis, item de Sibyllis.

THis Prieſt-hood had its firſt inſtitution from *Tarquinius Superbus*, whoſe office was aſwell to expound, as to keep the Oracles of thoſe ten Propheteſſes ſo famous throughout the world, called *Sibylle.* Concerning whom [k] *Munſter* hath theſe words: In times paſt there came

[k] Munſter in ſua Coſmog. lib. 2.

a ſtrange woman to *Tarquinius* the King, offering nine books full of the *Sibylline* Oracles to be ſold: but *Tarquinius*, thinking the books too deere, refuſed to buy them; the woman departing, burned three of theſe books, and came the ſecond time unto *Tarquinius*, demanding as much for thoſe ſix books, as formerly ſhe had done for the nine: *Tarquinius* began to deride her, whereat the woman departed, and burned three more, returning again unto *Tarquinius*, & asking as much for the three left, as ſhe asked at firſt for all nine. Then began *Tarquinius* more ſeriouſly to bethinke himſelfe thereof, and ſent for his *Augures*, asking counſell and advice of them. And they underſtood, by certain ſignes obſerved, that the King had refuſed ſome ſpeciall goodneſſe ſent from the Gods, and for the books that remained, they adviſed, that the woman ſhould have what ſhe asked: As ſoon as the woman had delivered her books, ſhe preſently vaniſhed, and was never ſeene again; onely warning them to keep the books as ſafe as poſſibly they could. For the ſafe keeping of theſe *Tarquinius* choſe two of the Noble men, or *Patritii*, calling them *Duum-viri*, appointing them, as well by ſtudy to expound, as with care to keep thoſe Oracles. In proceſſe of time, the people obtained, that tenne ſhould be appointed to this office, five of them being choſen out of the Commons, and five out of the Nobles: and then they were called, the *Decem-viri*. Afterward by *L. Sylla* as it is thought, five more were added, ſo that they were then called the *Quindecem-viri*: nay the number was encreaſed by *Sylla* unto forty, [m] as *Servius* thinketh, but ſtil called by the name of *Quindecem-viri*. Of theſe women that had the ſpirit of prophecie, ten were very famous: the firſt was called *Perſica*, the ſecond *Lybica* the third *Delphica*, the fourth *Cumæa*, the fifth *Erythræa*, the ſixth *Samia*, the ſeventh *Cumana*, the eighth *Helleſponta*, the ninth *Phrygia*, the tenth *Tiburtina*: They all prophecied of the incarnation of Chriſt. The place where theſe bookes were kept, was within

l Feneſt. de ſacerd. c. 23.

m Serv. Æn. lib. 6.

within the Capitoll under ground in a cheſt of ſtone, where they remained ſafe untill the burning of the Capitoll, at which time they alſo were burned. Notwithſtanding many of the prophecies have been known, partly by tradition, and partly being taken out of other copies in other countries. One of the prophecies concerning our Saviour Christ, was uttered by *Sybilla Delphica* in manner as followeth: [n] *Naſcetur Propheta abſq; matris coitu ex utero ejus*, that is, There ſhall be a Prophet born without any copulation of the mother, even out of her wombe. It was ſpoken at *Delphos*. All their prophecies were of that certainty, that when we would aver any thing to be undoubtedly true, we uſe to ſay, it is *Sibyllæ folium*, as true as *Sibylla's* Oracles. The *Cumæa Sibylla*, did write her Oracles at the mouth, or entrance of her cave in leaves of trees, which the fierceneſſe of the winde did oftentimes ſo ſcatter, that they could hardly be brought in order againe: inſomuch that when we would ſhew the great difficulty of bringing things in order, we may uſe [o] *Politian* his words, *Laborioſius eſt, quam Sibyllæ folia colligere*, it is eaſier to gather *Sibylla's* leaves. This name *Sibylla* is not a proper name, but an appellative, common to all women endowed with the ſpirit of prophecy, taking their denomination from [p] σιὸς, which is in the *Æolick* dialect the ſame that Θεὸς, *id eſt*, God, and βουλὴ, *id eſt*, counſell, becauſe they did open and declare the counſell and determination of God unto the people. It appertained alſo unto theſe *Quindecem-viri* above mentioned, to ſee that ſacrifice, and divine ſervice, that ſupplications, and proceſſions, expiations, and all ceremoniall rites were duely performed.

[n] Munſter in ſua Coſmo. lib.

Credite me vobis folium recitare ſibyllæ.

[o] Epiſt. lib. 2. epiſt. 4.

[p] Serv. Æ. 1. lib. 6. σιὸς enim Deos non Θεὸς: & conſilium non βουλὴ, ſed σιὸς appellabant Æolico genere ſermonis. Lact. de falſa religione lib. 1. cap. 20.

Cap. 13.

De Bonâ Deâ, & Sacris ejus

THis Goddesse which is so famous by the name of *Bona dea*, is the Globe of the earth: which is therefore termed *Bona dea*, the good Goddesse, because we reap so many good things from the earth. Shee is called also *Ops*, the helping-Goddesse, *ab ope*, from help, because by her help we live. She is called *Fatua*, and *Fauna*. i. the Goddesse of speech, because young children do never speak untill they are able to go, and so have touched the earth. The *Gracians* called her γυναικεία θεὸς, the femal Goddesse, because that no Male might be admitted to her sacrifices; nay the very pictures of men were at that time to be covered. The inner room where her sacrifices were, was called τὸ γυναικεῖον the place for womens assemblies. [q] Those that were chief in these sacrifices, were the Vestall Nuns. This good Goddesse was supposed to be the wife of *Faunus*, & upon a time to have been taken drunk with wine by him: for which fault *Faunus* is said to have beaten her to death with rods of Mirtle tree; but afterward being sorry for that he had done, in amends he made her a Goddesse, and as it were ever after detesting the Mirtle tree, he hallowing all other hearbs and flowers to be used in these sacrifices, forbad the Mirtle tree. Some say she was so chast, that she was never seen by any man but by her husband; and in respect of her chastity the Mirtle tree is forbid, because it was cõsecrated to *Venus*: but whereas in this sacrifice they used wine, they called it not by the name of wine, but milk or honey; [r] whence they called the vessell wherein the wine was put, *amphoram mellariam, id est*, the hony vessell. This sacrifice became very famous by reason of *Clodius*, who being in love with *Põpeia*, *Julius Cæsars* wife, came unto these sacrifices in womans apparel and was

q Cic. orat. de Arusp. respons.

r Alex. Gen. dier. l. 6. c. 8.

was found out by *Aurelia, Julius Ceſars* mother. This *Clodius* became ſo infamous for this, and other his adulterous pranks, that he occaſioned a common proverb amongſt the *Romanes, Clodius accuſat Mœchos*, anſwerable to which our Engliſh proverb is, One theefe accuſeth another.

Cap. 14.

De Cybelle, & Sacerdotibus ejus.

THe Goddeſſe *Cybele*, or rather *Cybelle*, was in her infancy expoſed unto wild beaſts, upon the hill *Cybellus*; where ſhe being nouriſhed by the wild beaſts, afterward became a woman of admirall beauty, and being found by a ſhepherds wife, was brought up by her as her own child, and called *Cybelle*, from the hill *Cybellus*. She excelled in naturall gifts, and was the firſt that uſed a Taber and pipe, and Cymbals among the Greeks. Moreover ſhe tenderly loved children, and therefore was called *magna mater*: ſhe was alſo called *mater deorum*, the mother of the Gods;

Ipſa deum fertur genetrix Berecynthia. Virg.

She was called *Rhea*, ἀπὸ τοῦ ῥέω to flow, becauſe ſhe doth flow and abound with all kind of goodneſſe. She was alſo named *Peſſinuntia*, from the City *Peſſinus* a Mart town in *Phrygia*, where ſhe had a Temple. Moreover, ſhe was called *Berecynthia*, from the hill *Berecynthus* in *Phrygia*, where ſhe was worſhipped. Her Prieſts were called *Galli*, and their chief governour *Archi-gallus*: they took their name from a certaine river in *Phrygia*, called *Gallus*; of which whoſoever drank, he became ſo mad, that he would preſently geld himſelfe, (as in truth all her Prieſts were enjoyned to geld themſelves with a fiſh ſhell) the originall of which cuſtome is rendred thus: *Cybelle* loved a young man of *Phrygia* called *Atys*, and him ſhe appointed chiefe overſeer for her ſacri-

(Pomp. Læt. de ſacerd.

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[r] Alex. Genealogiæ. l. 6. c. 8.

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fice upon condition that he would keep himselfe chast perpetually: But he not long after defloured a Nymph, for which fact, *Cibelle* berest him of his wits and understanding, so that he in his madnesse did geld himself, and would have killed himselfe also [t] had not the Gods in their commiseration towards him, turned him into a Pine-tree. In remembrance of him ever after her Priests were gelded. Every yeere the *Praetors* did sacrifice unto this Goddesse. But the performance of the holy and religious rites at that time did belong unto a *Phrygian* man and *Phrygian* woman, chosen for that purpose: which according to the manner of their countrey being apparelled with a party-coloured garment, called in Latine *Synthesis*, or *Amictus variegatus*, and carrying the picture of their Goddesse about with them in the streets, they struck their breasts with their hands, keeping tune with the Tabers, Pipes, and Cimbals, which other people following plaid upon. The Priests were also called *Corybantes* from one *Corybantus*, which was one of her first attendants: and hereupon we call the Cymball *aera Corybantia*. In this manner dancing about the streets, they begged money of the people whom they met: and hence were they named *Cibelle* her collectors, or her *circulatores*, *id est*, Juglers. Some called them αὐτραγύρ from αὐτὴρ which in this place signifieth *Cibelle*, called the great mother, and ἀγύρτης a beggar or gatherer of almes. [u] Others have called them *Mitricia*: But by what name soever they were called, the place was so infamous by reason of their drunkennesse, and uncivility used at these times, that when they would point out a notorious naughty fellow, they would call him *circulatorem Cybelleium*, *Cibelle* her Jugler. Neither was it lawfull for any free-born to undertake that office.

t *Cybellius Aetys Exult hac hominem trunceq; induruit illo.* Ov. Met.

u Rosin ant. l. 3. cap. 27.

CAP.

Cap. 15.

De Collegio Pontificum, & Pontifice Maximo.

THis word *Pontifex* is commonly translated a Bishop or Prelate, being called *Pontifices* in Latine, as also Pontifies in English, from one part of their office, which was to have the oversight of a great wooden bridge, called in Latin *Pons sublicius*, being so great, that Carts and waines might passe over it; having no arches to uphold it, but onely great piles & posts of wood: [x] and that which is most remarkable in it, was that it was joyned together onely with wooden pinnes, without any iron at all. Others are of opinion, that they were termed *Pontifices quasi potifices*, from *potis* and *facio*, of which opinion *Lucan* seemeth to be, according to that, *Pontifices sacri quibus est commissa potestas.* Concerning the [y] number of them, onely foure were appointed by *Numa*, all which then were to be chosen out of the *Patricii:* afterward four more were added out of the Commons. These were called *Pontifices majores*, or chiefe Pontifies, to distinguish them from seven other, which afterward *Sylla* added, & called them *Pontifices minores*, inferiour Pontifies. The whole company of them was called the College of Pontifies. This college is privileged from all allegeance, being not bound to render account of their doings either to the Senate or Commonalty. They were to determine all questions concerning religion, as well betweene their Priests as between private men: they had authority to punish any inferiour Priest, if he either detracted or added unto those religious Rites which were prescribed him. They had their great Pontifie, whom they called *Pontificem Maximum.* These Pontifies were wont to exceed in their diet, insomuch that when the Romans would shew the greatnesse of a feast, they would say it was *Pontifica cena,*

x Plutarch. in Numa.

y Feneſt. de sacerd.

z Rosin. ant. lib. 3. c. 22.

ia est, according to our Englisſh phraſe, a feaſt for an Abbot. *Cœna adjicialis* is taken for the ſame. [a] *Lipſius* in the expoſition of the latter phraſe taxeth the printers negligence, and is of opinion, that it ſhould rather be printed, *Cœna aditialis*, underſtanding hereby a ſolemne feaſt made by Magiſtrates in *aditu honoris*, at their entrance into their office, and at their day of inauguration.

[a] Lib. 4. de magnit. Rom. cap. 9.

Cap. 16.

De Epulonibus.

THe pontifies in old time appointed three men, whom they called [b] *Trium-viros Epulonum* (from *Epulum* a feaſt) to have the overſight of the feaſts made at ſacrifices; afterward by reaſon of two twice added, they were called firſt *Quinque-viri*, and at length *Septem-viri Epulonum*.

[b] Lazius de Repub. Rom. l. 3. cap.

Cap. 17.

De Titiis.

ANother ſort of religious men there were, which lived in the Suburbs of the City, & practiſed ſooth-ſaying; They were called *Titii* [c] from the name of the birds which they obſerved, which in Latine were called *Titiæ*.

[c] Pancirollus lib. rerum deperditarum c. de mole Hadriani.

Cap. 18.

De Virginibus Veſtalibus.

NEere unto *Caſtor's* Temple, ſtood the religious houſe or Nunnerie, dedicated to the Goddeſſe *Veſta*: where at the firſt were foure, after ſix Virgins, or Votaries elected

elected, whoſe office was cheifly to keep the ſacred fire; the extinction whereof proved ominous and did portend ſome evill event ſhortly to happen. And therefore for their negligence herein as for all other ſmall faults, they being had into a dark corner, ſtripped naked, and a curtain drawn halfe way over them, the chief Pontifie ſcourged them: neither was it lawfull to kindle the fire once put out, with any other fire, but from the ſun-beames; for which purpoſe they had certain inſtuments named [c] πυρεῖα, which were formed in the manner of a *pyramis*, but hollow; ſo that the beames being collected within the circumference, & meeting in the *vertex*, did eaſily kindle any combuſtible matter put into it; but cheifly if the matter was of black colour; becauſe, as Philoſophy teacheth, a dark colour doth congregate, or collect the beames, whereas whiteneſſe doth diſperſe them. A ſecond part of their office was to work reconciliation between parties offended, as appeareth by [d] *Suetonius*, where we may read, that by their interceſſion *Sylla* was reconciled to *Cæſar*. They were choſen into this place between the ſixth, and the eleventh yeer of their age: & they were to remain in this Nunnery 30 yeers ſpace, 10 yeeres to learn their ceremonies and myſteries, 10 yeeres to exerciſe thē, & 10 yeeres to inſtruct others: within which ſpace if they had ſuffered their bodies to be defiled, they were to undergoe that fearefull puniſhment † afore mentioned. But theſe 30 yeeres being expired, marriage was lawful for the; ſo that they laid aſide their ſcepters, their fillets, and other their Sacerdotall ornaments. Notwithſtanding thoſe which did marry, in the end died fearefull deaths: whereupon they choſe rather to abſtain commonly. The *Romans* had them in great honour, ſo that they never walked abroad, but with an iron ſcepter in their hands, & whatſoever malefactor met them (if the Nun would take her oath it was by chance) he eſcaped puniſhment. They were named *Veſtals* from their goddeſſe *Veſta*, which word (as [e] *Munſter* writeth) is derived

[c] Plutarch. in Numa.

[d] Suet. in Julio.

† Vid. ſup. p. 14.

[e] Munſt. in ſua Coſmog. lib. 2. c. 9.

ved from the Hebrew *radix* signifying fier. The eldeſt was called *Maxima Veſtalis virgo, id eſt*, the Lady Prioreſſe, or chief governeſſe.

Cap. 19.

De veterum ſacrificiis & ritu ſacrificandi.

WHatſoever was burnt, or offered up unto the Gods upon an altar, it had the name of a ſacrifice: and ſometimes it was called *victima, quòd victa ad aras ſtabat*, becauſe the beaſt to be ſacrifiſed ſtood bound unto the altar. Sometimes, *Hoſtia*, from an obſolete verb *Hoſtio*, which is to ſtrike; becauſe certain under Officers called in Latine *Popæ* (ſtanding by the altars, all their upper part naked, and a Lawrell garland upon their head) did *Hoſtiare victimam, id eſt*, ſtrike down and kill the ſacrifice. Others are of opinion, that this name *Hoſtia* is taken from *Hoſtis*, an enemy, according to that of *Ovid, Hoſtibus à domitis hoſtia nomen habet*; becauſe either before war, to procure the Gods favor; or after war, in token of thankfulneſſe, they did *hoſtiam ferire, id eſt*, offer up the ſacrifice. The ſecond difference of ſacrifices have been occaſioned in reſpect of the time, and ſo they have been called *Præcidaneæ*, or *ſuccidaneæ, quaſi præcedaneæ & ſuccedaneæ*. Thoſe ſacrifices which were offered up the day before any ſolemn ſacrifice, were called *Præcidaneæ hoſtiæ*, fore ſacrifices, as we Engliſh *præcurſirem*, a fore-runner: which fore-ſacrifices, if by any token they found unlucky, then would they offer up a ſecond ſacrifice which they termed *hoſtiam ſuccidaneam*; & becauſe theſe ſecond ſacrifices were to be offered only inſtead of the other, when they were unlucky or faulty, hence hath *Plautus* uſed this ſpeech, *meum tergum ſtultitiæ tuæ ſubdes ſuccidaneum*? Muſt I be whipped for thy fault? The manner of ſacrifiſing was as followeth; Some certain dayes before a-

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ny ſacrifice was to be performed, the Prieſt was wont to waſh his whole body: eſpecially his hands and feet, which if he had not waſhed, the ſacrifice was accounted polluted: and alluding unto this cuſtome, we ſay, a man doth *Accedere ad rem illotis manibus*, or *illotis pedibus*, as often as he enterprizeth any buſineſſe without due reverence or preparation thereunto. Μ' ἄνδρ' ἰξύος ὑπὲρ νίζεσθαι αἰδοῖα ἔοντα
Κρῆν ἐπιβησόμενον. *Hesiod.* ἔργα καὶ ἡμέρ.

f Vid Eraſm. Adag.

Moreover, the Prieſt was to abſtain from his marrige-bed, as likewiſe from divers kinds of meats & at the time of his going to ſacrifices, either himſelf, or ſome inferior Sexton going before him with a rod or wand in his hand (called *commentaculũ*) uſed this form of words unto the people, *Hoc age*, attend this you are about: which cuſtome ſeemeth to have had its orriginall from the *Gracians*; For before the time of ſacrifice, the Gracian Prieſt uſed almoſt the like ſpeech unto his people, as, τίς ἐνθάδε, *id eſt*, who is here? the people anſwered, πολλοὶ καὶ ἀγαθοί, *id eſt*, many men & good. After this preparation, then did the Prieſt, laying his hand upon the altar, rehearſe certain prayers *h* unto the God *Janus*, and the Goddeſſe *Veſta*; becauſe the Romans were perſwaded that without their interceſſion, they might not have acceſſe unto the other Gods: his prayer being ended, then did he lay *i* upon the beaſts head a little corn, together with a cake made of meal and ſalt, called in Latine *Mola*, *k* *Mola erat far toſtum, ſale aſperſum.* From this ceremony, the act of ſacrificing hath been termed *Immolatio.* After this the ſoothſayer drank wine out of an earthen or wooden chalice, called in Latine *Simpulum* or *ſimpuvyum*: It was in faſhion much like our ewers, when we poure water into the baſon. This chalice was afterward carried about to all the people, that they alſo might *libare, id eſt*, lightly taſt thereof, which rite hath been called *Libatio.* Now every one having taſted thereof, the reſt of the wine with frankinſence mixt in it, was to be powred upon the beaſts head, *m* *between* the

g Plutarch. Numa.

h Serv. Acci. lib 1.

i Pancirol. lib. rerum deperdit. cap de ſale Ammoniaco.

k Textor in ſua officina. Sparge ſalſa colla taurorum mola.

s *in Oedip. Act.* 2 *ſcen.* 2

l Pancirol. lib. rerum deperdit. cap. de Ammoniaco ſale.

m Media inter corn uafundit *Virg. Æneid.*

hornes, one crying out with a loud voice, *Mactâ eſt hoſtia, id eſt, magis auctâ*, more increaſed and made more pleaſing unto the Gods; as *Virgil* ſaith, *Macte novâ virtute puer, id eſt* O good childe which increaſeſt in vertue. And hence, even from this terme, we may conjecture, that the word *Macto*, which ſignifieth to kill, and ſometimes to ſacrifice, hath had its originall, becauſe they did immediately after that voice, *mactare hoſtiam*, that is, ſlay the ſacrifice; & that was done in this manner. [n] Firſt the Prieſt did pluck off ſome of the beaſts haires between the horns, and caſt them into the fire, calling them his *prima libamina, id eſt*, his firſt offerings: The did he, turning his face toward the eaſt, draw a long crooked knife upon the beaſts back, commanding his under officers which I called *Popæ*, (others *Cultrarii*, from their knife; *Victimarii*, from the hoaſt; & *Agones*, becauſe they ſtanding ready to give the ſtroak, often uſed this word *Agon*, for *Agone? id eſt*, muſt I to my work?) to kill the beaſt. The other people ſtanding by, ſome did with veſſels ſave the blood, others did flea or skin the beaſt, others waſhed it. Anon, ſome Soothſayer or Prieſt, did obſerve the entrals, turning and winding them with a knife, which was called *Seceſpita, à ſecando*: for he might not touch them with his hand, they cõceiting, that if the ſacrifice had proved polluted, his hand would then have periſhed. Now after the Soothſayer or Prieſt had ſufficiently turned the entrals, & found no ill token therein, then did thoſe *Popæ*, or Church-butchers, cut off from every bowell ſome portion, which after they had rolled in barly meal, they ſent it in baskets to the Prieſts, & the Prieſts taking it up into a broad charger or platter called *diſcus*, or *lanx*, laid it upon the altar & burnt it, & [o] this was properly termed *litare*, or *Reddere i. e.* to ſatisfie by ſacrifice, or to pay the ſacrifice which was owing unto the Gods. After that the portion laid out for the gods had been burnt, then did all the people repaire unto a common feaſt; where, as they were eating, they ſung Hymnes, and Songs, in the praiſe

n Roſin. ant. l. 3 c. 33

o Joac. Camerar. pro Flac.

praiſe of their Gods, and playing on Cymbals, they danced about the altars, intimating thereby, that there was no part of their body, but ſhould be imploied in the ſervice of their Gods. Now untill all their Ceremonies & Myſteries were finiſhed it was not lawfull for any to taſt of this feaſt: inſomuch that we ſince have uſed to check a glutton, or greedy-gut, which cannot abſtaine from his meat till grace be ſaid, in this manner, *Sacra haud immolata devorat.*

Cap. 20.

De Nuptiis, et nuptiarum renunciatione.

SEeing that marriages, and burialls, have ſuch dependance upon the Prieſts, it will not be amiſſe to conclude this Section, with two chapters, briefly opening the ceremonies of both. Before we come unto the ſolemn Ceremonies, uſed by the *Romans* in their marriages, we will firſt ſhew the manner of their contracts, which were called by the *Romans*, [a] *Sponſalia à ſpondendo*, becauſe in their contracts, each did promiſe other to live as man and wife. Now the manner of contracting was commonly thus: They did for the greater ſecurity, write down the forme of the contract upon tables of Record, as appeareth by *Juvenal. Sat. 6.*

[a] Salmuth. in Panciirol. lib. rerum deperdit. cap. de nuptiis.

Si tibi legitimis pactam, junctamq́, tabellis
Non es amaturus——

Theſe tables were alſo ſealed with the ſignets of certaine witneſſes there preſent, who were termed from their act of ſealing, *Signatores*. Moreover, before they would begin the Ceremonies of their cõtract, the man procured a Soothſayer, and the woman another, with whom firſt they would conſent. Whence *Juvenal, Sat.* 10.

——Veniet cum ſignatoribus auſpex.

The token or ſigne which theſe Soothſayers in time of obſerving accounted moſt fortunate, was a Crow: [b] *Ea enim cornicum*

[b] Anlex. c. lib. 2.

cornicum societas est, ut ex duobus sociis altera extincta, vidua altera perpetuo maneat. The man also gave in token of good will, a ring unto the woman, which she was to weare upō the next finger unto the little of the left hand, [c] because unto that finger alone, proceedeth a certain artery from the heart. The word *Nuptiæ*, which signifieth marriage, had its derivation *à nubo*, [d] which verb in old time signified to cover: the custome being, that the woman should be brought unto her husband with a [e] yellow vaile (called *Flammeum*) cast over her face. Again, because of the good successe that *Romulus*, & his followers, had in the violent taking away of the *Sabine* women, they cōtinued a custome, that the man should come and take away his wife by a seeming violence, frō the lap or bosome of her mother, or the next kin. She being thus taken away, her husband did dissever & divide the haire of her head, with the top of a spear, wherewith some Fencer formerly had been killed. This spear was called by them *Hasta cœlibaris*, [g] and the Ceremony did betoken, that nothing should disjoyn them, but such a spear, or such like violence. The next day after the marriage, a solemn feast was held, where all the Bride-mans and Bride womans friends met to make merry, this feast they called *Repotia*. We must note, that [h] three māner of waies a woman became a mans lawful wife: *usu, cōfarreatione, coemptione*. A woman became a mans lawful wife, *Vsu*, i. By prescription or long possessiō, if that she were wed with the consent of her overseers, and so did live with the man, as with her lawfull husband, a whole yeers space, *nullo interrupto usu, i.e.* [i] she being not absent from him three nights in the whole yeer: and some have thought, that the counterfeited violence, in taking away the maid frō her friends, was used onely in this kinde of marriage. A womā became a mans wife *confarreatione, id est*, by certain solemnities used before a Pontifie, or chiefe Bishop, when the woman was given unto the man using a set forme of words, ten witnesses being present, & a solemn sacrifice

[c] Aul. Gel.

[d] Rosin. ant. lib 5. c. 37.

[e] Plin. lib. 21. cap. 8.

[f] Sig. de jur. Rom. 1. c. 9.

[g] Salmuth. in Pancirol. lib. rerum deperdit. cap. de nuptiis.

[h] Boeth Topicor. 2. Vid. Cœl. Rhod. lib. 28. c. 17.

[i] Sig. de jure Rom. l. 1. c. 9.

ſacrifice being offered, at which the couple married ſhould eat of the ſame barly cake, which formerly had been uſed in the ſacrifice. Which ſacrifice was termed, *à farre, confarreatio*; and the marriage it ſelfe, *Farracia*, [k] & ſometimes *ſacra* ſimply; the diſſolution of this kind of marriage *Diffarreatio*. A woman became a mans wife, *coemptione, id eſt*, by buying and ſelling, when the woman did under a feigned forme of ſale buy her husband, by giving him a piece of coyne. *Veteri Romanorum lege, nubentes mulieres tres ad virum aſſes ferre ſolebant: atq; unum quidem quem in manu tenebant, tanquam emendi cauſa marito dare.* [l] To theſe three ſome teach, that a fourth ſort of marriage was in uſe among the *Romans*; namely, when a woman became a mans wife, *ſortitione*, by a kinde of lottery: and of this they ſay, *Sueton*[m] ſpeaketh. [n] In that kinde of marriage, which was *per coemptionem*, the man was not named by his proper name, nor the woman by hers; but the man was named *Caius*, and the woman *Caia*, in the memory of the chaſt & happy marriage of *Caia Cæcilia*, wife to *Tarquinius Priſcus*: from whence ſprang a cuſtome among them, that the new married wife, when ſhe was brought home unto her husbands houſe, was to uſe this proverb; *ubi tu Caius, ibi ego Caia*, by which word ſhe ſignified that ſhe was now owner of her husbands goods, as well as himſelfe: & therefore *Eraſmus* hath expounded that ſaying by theſe words; *ut tu dominus, ita ego domina*; [o] And ſhe that was thus married, *per coemptionem*, was properly called *Mater-familias*. [p] If any of theſe Ceremonies were omitted then was the marriage tearmed, *Nuptiæ inuptæ*, in which ſenſe we call our enemies gifts no gifts, Ἐχθρῶν δῶρα δῶρα οὐκ ἔστιν. Theſe ceremonies being ended, towards night the woman was brought home to her husbands houſe, with five Torches, ſignifying thereby, the need which marri d perſons have of five Gods, or Goddeſſes, *id eſt*, *Jupiter*, *Juno*, *Venus*, *Suadela*, & *Diana*, who oftentimes is called *Lucina*, the reaſon of the name being rendred by *Ovid*.

[k] Cic. orat. pro Muræn.

[l] Sig. de jure. Rom. l. 1. c. 9.

[m] Suet. in Tib. c. 35.

[n] Cic. orat. pro Muræna. Item Fr. Sil. ib

[o] Cœl. Rhod lib. 28. c. 17.

[p] Hieron. Ferarius in Philippic. orat.

——*Dedit hæc tibi nomina lucus,*
Aut quia principium tu Dea Lucis habes.

There are of opinion, who think that the uſe of theſe Torches, was not only to give light, but to repreſent the elemẽt of fire: for no marriages were thought happy, which were not contracted *Sacramento ignis & aquæ:* for which reaſon the cuſtome likewiſe was, to beſprinkle the new married woman with water, yea they did both in time of their contract touch water & fire provided for that purpoſe. The ſignification of this ceremony, ſome think to be thus, The fire, becauſe it is an active elemẽt, to repreſent the man: the water, becauſe it is paſſive, to repreſent the woman. Others ſay that in the community of theſe two elements, was intimated the community between man & wife, of all other their goods and poſſeſſions, which was more fully declared in that fore-quoted proverb, uſed by the wife, *ubi tu Caius, ibi ego Caia.* The matter whereof theſe Torches were made was a certaine tree, from which a pitchie liquor did iſſue: it was called *Teda*, and thence have the Poets figuratively, called both the Torches, and the wedding it ſelfe *Tedas.* When the woman had been thus brought to the doore, then did ſhe anoint the poſts of the dore with oyle,[q] from which Ceremony, the wife was called *uxor quaſi unxor.* This ceremony of anoynting being ended, the Brideman did liſt her over the threſhold, and ſo carried her in by a ſeeming force, becauſe in modeſty ſhe would not ſeem to goe without violence into that place, where ſhe ſhould loſe her maidenhead. At her carrying in, all the company did cry out with a loud voice, *Talaſſio, Talaſſio:* for which cuſtome, [r] *Plutarch* allegeth many occaſions; this being one. Among thoſe who raviſhed the daughters of the *Sabines*, there were found ſome of the meaner and poorer ſort, carrying away one of the faireſt women: which being known, certain of the citizens would have taken her from them, but they began to cry out, that they carried her to *Talaſſius*, a man well beloved

Pancirol. l. rerum deperd. cap. de nup

q Serv. Æn. lib. 4.

r Plutarch vita Pomptii.

beloved among the *Romans*; at which naming of *Talaſſius*, they ſuffered her to be carried away, themſelves accompanying her, and often crying *Talaſſio, Talaſſio* From whence it hath been continued a cuſtome among the *Romans*, ever at their marriages to ſing *Talaſſio*, *Talaſſio*, as the Greeks did, *Hymen, Hymenee.* From this cuſtom of leading or bringging home of the new married Bride, commeth that Comicall phraſe, *Ducere uxorem*, to marry a wife. She being thus brought home, received the keyes of her husbands houſe, whereby was intimated, that the cuſtody of all things in the houſe was then committed unto her. [r] The marriage bed was called, *Genialis lectus*, as we may ſuppoſe, *quaſi Genitalis.* [s] Sometimes it was called, *Lectus adverſus*, *quòd hunc lectulum religioſè ſervari mos fuit*, *& in atrio collocari januæ ex adverſo, id eſt*, they placed this bed in the Court, directly oppoſite to their gate, keeping it as ſome religious monument or pledge of matrimony. The next day after the marriage, the Bride-woman received gifts of her friends, which the Lawyers tearm, *Nuptialia dona.* [u] But *Cicero* expoundeth theſe *Dona nuptialia*, to be certain tokens, which the husband ſent to his wife before the betroathing. If after the marriage, any diſcontent had fallen out between the mã and his wife, [*] then did they both repaire to a certain Chappell, built in the honour of a certain Goddeſſe, called *Dea viri-placa*, *à viris placandis*, Whence after they had been a while there, they returned friends. We have thus ſeen the Rites and Ceremonies, which the *Romans* uſed in their contracts and marriages; it would not be impertinent to annex the manner of their divorcements; which upon juſt cauſes were permitted. There [x] were two manner of divorcements: the one between parties only cõtracted; the ſecond between parties married. The firſt was properly called *Repudium*, in which the party ſuing for divorcement, uſed this forme of words, *Conditione tuâ non utar.* The ſecond was called *Divortium*, wherein the party ſuing for it, uſed theſe words, *Res*

[r] Alex. Gen. dier. l. 2. c. 5.

[s] Lipſ. Elect. lib. 1. c 17.

[u] Vid. Fr. Sil. pro cluent.

[*] Sig. de jure Rom. l. 1. c. 6.

[x] Roſin ant. lib. 5. cap. 38.

tuas tibi habeto: vel res tuas tibi agito. Both these kinds were tearmed, *Matrimonii renuntiationes*, renouncing or refusall of marriage. Where we must note, that in stead of this verb *renunciare*, divers good Authors do use this phrase, *Mittere* or *Remittere nuncium*: as *C. Cæsar Pompeiæ nuncium remisit*, *C. Cæsar* hath divorced *Pompeia*. And alluding hereunto
y Eph. fam. l. 5 y *Cicero* saith, *virtuti nuncium remisit, id est*, he hath cast off all goodnesse, he hath even divorced vertue. Secondly, we must note, that this verb *Renuncio*, doth not only signify to renounce, or to refuse, but many times in *Tully*, it signifieth to declare or pronounce a Magistrate elected, as *Renunciare Consulem, Prætorem, &c.* The reason why in matrimoniall contracts, it signified to renounce, or refuse, was because in these divorces, they did oftentimes send to their wife *per nuncium*, by a messenger, some bil or scrole of paper, containing the causes of the divorce. Moreover, we are to observe, that in these divorces, the ceremonies were quite contrary to those in marriages; the just causes of divorce, being foresignified to the Censors, the marriage tables were broken, the dowry restored, the keys of the house taken frō the woman, & she turned out of doores: all which ceremonies are at large treated of by *Th. Dempster. l. 5. Antiq. Rom. cap.* 38.

Cap. 21.

Quo apparatu, quibusq; ceremoniis apud veteres defuncta corpora igni tradebantur.

THe *Romans* in ancient time, when they perceived a body dying, had such a custome, that the next of the kin should receive the last gasp of breath from the sick body, into his mouth, as it were by the way of kissing him: (to shew thereby how loath and unwilling they were to be deprived of their friends) and likewise should close the eyes of the party being deceased. Whence *Anna* said unto her

her sister *Dido* now dying,

—— [z] *Extremus si quis super halitus errat,*
Ore legam.—— z Vir. Æn. 4.

And *Penelope* wishing that her son *Telemachus* might outlive her selfe, and his father, writeth to her husband in this manner; *Ille meos oculos comprimat, ille tuos.*

After the body had thus deceased, they kept it seven dayes unburied, washing the corps every day with hot water, and sometimes anoynting it with oyle, hoping that if the body were only in a slumber, and not quite dead, it might by these hot causes be revived.

Per calidos latices aliena undantia flammis
Expediunt, corpusq́ lavant frigentis & ungunt.

In these seven daies space, all the dead mens friends met together now and then, making a great outcry or shout with their voices, hoping that if the dead body had been only in a sound or sleep, he might thereby be awaked. This action was termed *conclamatio*, whence when we have done the best we can in a matter, and cannot effect it, we say proverbially *conclamatum est*; for this third conclamation or generall out-cry (which was alway upon the seventh day after the decease) was even the last refuge, at which if the body did not revive, then was it carried to buriall, being invested with such a gown, as the parties place or office formerly had required. Those who had the dressing, chesting, or embalming of the dead corps, were called *Pollinctores:* After they had thus embalmed the corps, they placed it in a bed fast by the gate of the dead mans house, with his face and heeles outward toward the street, according to that of *Persius*;

——*Tandemq́ beatulus alto*
Compositus lecto, crassisq́ lutatus amomis
In portam rigidos calces extendit——

Herewith accordeth *Homer* speaking of *Patroclus* his funerall.

Ὅς μοι ἐγὶ κλισίῃ δεδαιγμένος ὀξεῖ χαλκῷ.
Κεῖται ἀν ἀ πρόθυρον τετραμμένος.—*id est.*

Qui mihi in tabernaculo confossus accuto ære
Jacet ad vestibulum conversus.

This ceremony was Properly called, *corporis collocatio*: and fast by this bed, neere the gate also was erected an altar, called in Latine, [t] *Acerra*, upon which his friends did every day offer incense untill the buriall. The gate in the outside was garnished with cypresse branches, if the dead man were of any wealth or note: for the poorer sort, by reason of the scarcity of the tree, could use no such testimony of their mourning:

t Alex. Gen. dier. l. 3. c. 7.

u Lucanus. [u] *Et non plebeios luctus testata cupressus.*

In these seaven dayes space, certain men were appointed to provide all things in readines for the funerall; which things were commonly sold in the [x] Temple of *Libitina*, from whence those providers were termed *Libitinarii*, though sometimes this word *Libitinarius* doth signify as much as *capularis*, an old decrepit man, ready for the grave. Vpon the eight day a certain cryer in manner of a bel-mā went about the town, to call the people to the solemnization of the funerall, in this forme of words; *Exequias* [y] *L. Tito L. Filio quibus est commodum ires. Jam tempus est. Ollus ex ædibus Effertur.* After the people had assembled themselves together, the bed being covered with purple, or other rich covering, the last conclamation being ended, a trumpeter went before all the company, certain poor women, called *Præficæ*, following after and singing songs in the praise of the party deceased: where we must note, that none but the better sort had a trumpet sounded before them; others had only a pipe; [z] *Senatoribus & patriciis tubâ, minoribus & plebeiis tibiâ canebant fiticines*, this word *Siticines*, signifying either a trumpeter or piper, because they did both *ad fitos*, i.e. *mortuos canere*. Again, except it were one of the Senators, or chiefe citizens, he was not carried out upon a bed, but in a coffin upō a Beer. Those that carried this bed were the next of the kin, so that it fell often among the Senators themselves to beare the

x Alex. Gen. dier. l. 5. c. 26

y Rosin. ant. lib. 5.

z Alex. Gen. dier. lib 3.

the corps, and becauſe the poorer ſort were not able to undergoe the charges of ſuch ſolemnities, thereupon were they buried commonly in the dusk of the evening; & hence *à veſpertino tempore*, thoſe that carried the corps were termed *veſpæ*, or *veſpillones*. In the buriall of a Senator or chief Officer, certain waxen images of all his predeceſſors were carried before him upō long poles or ſpeares, together with all the enſignes of honour which he deſerved in his life time. Moreover, if any ſervants had been manumized by him, they acompanied the mourners lamenting for their maſters death. After the corps followed the dead mans children, the next of the kin, & other of his friends, *atrati, id eſt*, in mourning apparell. Erō which act of following the corps, namely *à ſequendo*, theſe funerall rites have bin termed, *Exequiæ*, as *Donat* hath obſerved upon that of *Terence*, *Funus interim procedit, nos ſequimur*. Which rites, becauſe they were performed as debts due unto the party deceaſed, hence were they alſo called, *Juſta. Eò dicuntur juſta, quòd jure mortuis factitari debent à vivis. Polid de invent. l. 6. c. 9.* The corps being thus brought unto their great Oratory, called the *Roſtra*, the next of the kin [a] *laudabat defunctum pro roſtris, id eſt*, made a funerall Oration in the commendation principally of the party deceaſed, but touching the worthy acts alſo of thoſe his predeceſſors, whoſe images were there preſent. The oration being ended, the corps was in old time carried home again, in manner as it was brought forth.

[a] Suet. C. Jul. Cæſar c. 6.

Sedibus hunc referente ſuis & conde ſepulchro.

But afterward by the law of the twelve tables, it was provided that no man beſides the Emperour, and Veſtall Nuns, ſhould be buried within the city; though ſome upon eſpeciall favour have obtained it. The manner of their buriall was not by interring the corps, as in former times it had bin, but burning them in a fire [b] the reaſon thereof being to prevent the cruelty of their enemies, who in a mercileſſe revenge would at their conqueſts digge up the buried bodies, making

[b] Salmuth. in Pancir. lib. rerum deperd. de exequijs.

king even the dead also subjects of their implacable wrath.
This fire before the burning, was properly called, *Pyra*; in
the time that it burned, it was called, *Rogus*, [c] *quod tunc temporis Rogari solerēt manes*; after the burning, then was it called *Bustum, quasi bene ustum*. This *Pyra* was alwaies built in
form of a Tabernacle, as it is* above more at large to be seen:
whither after the dead man had been brought, his friends
were wont to cut off one of his fingers, which they would
afterward bury, with a second solemnity. The charges at funerals growing by this means to be doubled, the law of the
12 tables provided in these words, *Homini mortuo ossa ne legito &c.* that no mans finger should be cut off, except he
died either in the warre, or in a strange countrey. Where we
must observe, that *lego* in this place doth signify as much as
adimo or *aufero*, in which sense we call him *sacrilegum*, *qui legit*, i. *qui adimit & aufert sacra*. After the dead body had
been laid upon the *Pyra*, thē were his eyes opened again to
shew him heaven if it were possible: [d] & withall an half-
penny was put in his mouth, they superstitiously conceiting
that that halfpenny was *naulū Charontis*, the pay of *Charon*
the supposed ferry-man of hell, who was to carry mens souls
in his boat over the *Stygian* lake after their decease. About
this *Pyra* were first many boughs of Cypresse trees to hinder
the evill sent of the corps to be burned. The dead body being thus laid upon the *Pyra*, the next of the kin turning his
face averse from the *Pyra*, did kindle the fire with a torch:
After this, commonly certain Fencers hired for this purpose
did combate each with other, till one of them was killed,
they were termed *bustuarii*, from *bustū*. The blood of those
that were slaine, served insteed of sacrifice to the infernall
Gods, which kind of sacrifice they termed, *Inferiæ*. [e] *Inferiæ sunt sacra mortuorum quæ inferis solvuntur*. Anon after the
body had been burned, his neerest friends did gather up the
ashes and bones, which being washed with milk and wine,
were put into certaine pitchers called *urnæ*: whence this
word

c Ser. Æn. 5.

* Sup. pag. 30.

d Alex. Gen. dier. lib. 3.

e Servius

word *urna*, is often uſed by the Poets, to ſignify a grave or ſepulchre, as

——*Unâ requieſcit in urnâ*: *Ovid. Met. lib.* 4.

[f] Though properly *ſepulchrum* was in old time, a vault or arched roofe, round about the walls whereof were placed certain coffins called *loculi*, within which thoſe former *urnæ* were laid up and kept, namely, two or three in each coffin. Now theſe funerall ſolemnities were commonly towards night, inſomuch that they uſed Torches; theſe Torches they properly called [g] *funalia à funibus cerâ circundatis, unde & funus dicitur.* [h] Others are of opinion, that *funus* is ſo ſaid from the Greek word φόνος, ſignifying death or ſlaughter. The bones of the buried body being thus gathered up, then did the Prieſt beſprinkle the company with clean water thrice, and the eldeſt of the mourning women called *præfica*, with a loud voice pronounced this word *Ilicet*, thereby diſmiſſing the company, (the word ſignifying as much as *Ire licet*;) Then preſently did the company depart, taking their farewell of the dead body in this forme of words: *Vale, vale, vale; nos te ordine quo natura permiſerit ſequemur.* If any of theſe ceremonies had been omitted [i] then was it termed *ſepultura inſepulta*, in the ſame ſenſe as *nuptiæ* formerly were termed *inuptæ*. The old and aged men were invited, after the buriall, to a feaſt, or funerall banquet, called *ſilicernium* [k] *quaſi ſilicænium, id eſt, cæna ſupra ſilicem poſita*, their cuſtome being to eat that feaſt upon an altar of ſtone: and becauſe this feaſt was only eaten at funerals, and by the elder ſort, [l] hence figuratively this word *ſilicernium* doth ſometimes ſignifie an old cripple ready for the grave. The poorer people inſtead of a feaſt, received a dole or diſtribution of raw fleſh: this dole was termed *Viſceratio*. Moreover there was a potation, or drinking of wine after the buriall, called *Murrata*, or *Murrhina potio*, which afterwards the law of the 12. tables for the avoiding of expences did prohibit: as likewiſe for the moderating of griefe in

[f] Roſin. ant. lib. 5.

[g] Servius in Æneid. lib. 1.

[h] Hub. in Cic ep. fam. lib. 4.

[i] Hieron. Ferarius in Cic. orat. Philip.

[k] Servius in Æneid. lib. 5.

[l] Anteſig. in Ter. Adelph. Act. 4.

the mourners, it did prohibit the use of this word *Lessum*, [*Neve lessum funeris ergô habento*] for that word was often ingeminated in their mourning as a dolefull ejulation, or note of inward sorrow. This sorrowing or mourning, was in some cases utterly prohibited, in others limited; namely, an infant dying before he was three yeeres old, should not be mourned for at all; because he had scarcely yet entred into his life. Elders persons were to be mourned for so many dayes as they were yeeres old. Wives were permitted to mourne for their husbands (*Alexander* addeth also children for their fathers) ten moneths, if they would, within which time, the widow could not marry another husband without infamy and discredit. *Polyd. de juvenal. l. 6 cap. 9.* Here we may with *Rewardus* observe a distinction between *Lugere*, & *Elugere*; *Lugere* signified no more then to mourne some part of the time prescribed, *Elugere* to mourne the whole and full time.

m Alex. Gen. dier. l. 3. c. 7.

LIB.

LIB. 2. SECT. 3.

Of the Roman Games.

CAP. 1.

De Ludis Megalenſibus.

THe plaies uſually exhibited by the *Romanes*, may bee divided into three ſorts: ſome were *Ludi ſacri*, others *Honorarii*, others *Ludicri*. Thoſe were termed *Sacri*, which were inſtituted immediately to the honour of the Gods: Such were theſe that follow in their ſeverall Chapters. *Megalenſes ludi*, they are called ſimply *Megaleſia*, from the Greek word μεγας, ſignifying *Magnus*, becauſe they were performed in the honour of *Cybele*, called *Magna mater*; of which I have ſpoken formerly, and there alſo diſcovered the manner of this feaſt. Only here take notice of that which is not mentioned there, namely, that theſe Games began, *à pridiè Nonas Aprilis, id eſt*, on the fourth of *April*, and continued ſix daies after: as appeareth by divers Authors, but more eſpecially by *Ovid*, who could not eaſily be corrupted, *Ovid. Faſt. lib.* 4. He having ſpoken of the riſing of the *Pleiades*, which is on the ſecond of *Aprill*, addeth,

Ter sine perpetuo cœlum verſetur in axe,
Ter jungat Titan, terq́, reſolvat equos,
Protinus inflexo Berecynthia tibia cornu
Flabit, & Idæa feſta parentis erunt.

[a] Liv. lib. 29.

This I note, that the error crept into [a] *Livy* may be obſerv'd, who treating of the matter in hand ſaith, *In eadem victoriâ, quæ eſt in Palatio, pertulere Deam pridie Idus Aprilis, iſq́, dies feſtus fuit: populus frequens dona Deæ in Palatium tulit; Lectiſternium, & Ludi fuere, Megaleſia appellata.* That is, that theſe plaies were celebrated upon the twelfth of *April*. But in the judgement of many Expoſitors, we are to read *Pridie Nonas*, for *Pridie Idus*. Moreover, ſervants might not be ſpectators here, and becauſe the *Prætors* did frequent theſe ſports in their purple and beſt robes, [b] hence grew that proverb *Purpura Megalenſis*. To the younger ſort at this time, liberty was granted to counterfeit all mens geſtures and ſpeeches, without diſtinction of degree or age. [c] They were ſometimes termed *Ludi ſcenici*, though properly, *Ludi ſcenici* ſignified ſtage-plaies, and were performed in the honour of *Bacchus*.

[b] Ant. Conſt in Ovid. Faſt. lib. 4.

[c] Ju. Scalig. Poet. l. 1. c 29

Cap. 2.

Ludi Cereales.

That theſe games were performed in the honour of *Ceres*, is by none doubted. In them was repreſented by the *Roman* Matrons, *Ceres* her lamentation for her daughter *Proſerpina*, taken away by *Pluto*; the *Roman* men beheld theſe playes in white gownes: the women performed the ſacred and holy Rites in a white garment alſo. Among whom it was obſerved, that then they thought thei ſervice gratefull to the Gods, when it was performed by thoſe that were joyfull, and free from all funerall pollutions. At this time there was a ſolemne going in proceſſion, and carrying about their Gods in the Cirque, this ſolemnity was pro-

properly called *Pompa.*

Circus erat Pompâ celeber, numeroq́ Deorum,
Primaq́ ventosis palma petetur equis,
Hic Cereris ludi, &c. Ovid. Fast. lib. 4.

The manner of this solemne shew, which, as I noted, was properly called *Pompa*, is described [d] thus by its particulars; that there was *Simulachrorum series, imaginum agmen, currus, thensæ, armamaxæ, sedes, coronæ, exuviæ, id est. First*, in this solemne procession, were carried about the Images of the Gods. *Secondly*, the Images of well deserving men. *Thirdly*, Chariots led up and downe for greater state and magnificence; unto this *Virgil* alludeth:

Hic illius arma
Hic currus fuit.

Fourthly, Pageants, so I interpret *thensæ*, which were so called *quasi tensæ, à tendendo*, as [e] *Asconius* noteth, because they were carried up and down, by the help of certaine ropes, which to touch they counted a point of religion. *Fiftly*, horse litters, for that these *armamaxæ* were not Chariots, or wagons, ppeareth by him, [f] *Qui ex curru in armamaxam deponebatur*. They seem to have been of a compounded forme in part like Chariots, called ἅρματα, in part like waines, called ἅμαξαι, and thence ἁρμάμαξα hath its appellation, ἁρμάμαξα, *inquit Phavorinus*, ἡ πρὸς ἀνδρῶν καθεδραν κατεσκευασμένη ἅμαξα, ὅτον ἅρμα καὶ ἅμαξα, ἢ ἀνδράμαξά τις οὖσα ἡ ἄγουσα τοὺς ἄνδρας. In which words, besides the etymologie expressed, the use here of isd eclared to be for the carriage of men. That as the Chariots went empty for greater magnificence, and as in their Pageants were carried the *Simulachra Deorum*, according to that, [g] *Thensa Deorum vehiculum*: so in these horse-litters were carried men; or rather that same *agmen imaginum*, which was the second particular. *Sixtly*, chaires of State. *Seventhly*, crownes. *Lastly*, spoiles taken from their enemies. These three last I take to have been used chiefly and principally in the *Roman* supplications,

d Ter. de spect cap. 7.

e Vid. Franc. Jun. annot in Tert. de spect. It. de tensis vi. Turneb. 29. 27.

f Herod. 17

g Alex. ab Alex. l. 2. c. 30

cations, or publike thanksgivings for any great victory; the custome being in such shews, when they came to such and such remarkable places in the cirque, to pitch a certaine chaire, adorned with crownes of victories and spoiles taken from the enemie, reputing it not the least office,[b] thus to honour their Emperour, though absent, with the prerogative of such a chaire. Now in the preparation to this particular shew, we read, that an egge was especially provided. It is observed by [i] many out of *Macrobius*, whose words are; *Ovum, in Cerealis Pompæ apparatu numerabatur primum.* The observation is generall, but the reason thereof, *Inter arcana Cereris*, quite suppressed, and by none that ever I could meet with, yet explaned: if my conjecture may satisfie in a matter so obscure, conceive it thus. These pompous shewes were various, and in the honour of divers Gods, and accordingly the *Romans* made choice in every such solemnity, of some one principall thing in their shew, unto which the glory of the present solemnity should in more especiall manner belong. Thus in the *Pompa circensis*, which was celebrated in the honour of the [k] Sun, great horses were led up & down for greater state; [l] *Quia equis, & equestribus exercitamentis sol præesse credebatur superstitione antiquissima.* Hence the Cirque-place itself was called τὸ ἱππικὸν, & ἱππόδρομον. After this same manner in this *Pompa Cerealis* (which was also sometimes called *Circensis*, from the place where it was exhibited) an egge was cheifly and principally provided: for seeing that under the name of *Ceres*, this solemnity was performed to the *Earth*, how could the *Earth* be more honoured, then by bearing about the hieroglyphick of the whole world? as if they did intimate thereby, that even heaven it selfe was beholding to the *Earth*.

——*Pecori frondes alimentaq, mitia fruges*
Humano generi, vobis quoq, thura ministro. Ov. Met. l. 2.

And such an hieroglyphick [m] *Cælius Rhodiginus* proveth an egge to be partly from its circular & globe-like form: partly

[b] Vid. Isaac Causaub. in Sueton. Jul. c. 76.
[i] Hosp. de orig fest. Rosin. l. 5. c. 14. Alex. ab Alex. l. c. 19.
[k] Solis honore novi grati spectacula circi Antiqui sanxere patres. Corrip. Afric. l. 1. c. 17 vid. Dempster.
[l] Franc. Junnot in Ter. de spect. c. 8.
[m] Cœl. Rhod lib. 27. c. 17.

ly fro the matter whereof it consisteth; the hard shell resembling the solid earth; the more spirituous part thereof, the aire; the moist and liquid part, the water; the yolke, the element of fire; yea he noteth also, as there is *in mundo*, so likewise, *in ovo, vis vitalis*, a kinde of quickning, and enlivening power in both. Otherwise if this opinion give not content we may interpret the carrying about of the egge, to be in the honour of *Castor* and *Pollux*: for as there were markes, or goales in the Cirque, some in the forme of *Dolphins*, in the honour of *Neptune*; so were there others [z] ὠοειδῆ δημοσιεύματα, markes of a long roundnesse, in forme of an egge, in memory of [a] *Castor* and *Pollux*, which were *ovo editi*, according to that of *Horace*:

Ovo prognatus eodem. Hor. Serm. 2. Sat. 1.

For the same reason happily it was, that an egge was at this time carried up & down, as the chief and principall Ensigne.

z Dio. lib. 49.

a Tertul. de spect. cap. 8.

Cap. 3.

Ludi Florales.

These Games or sports, were instituted in the honour of the Goddesse *Flora*, that she being therewith appeased, the earth might bring forth flowres, and fruits in great abundance. Of the Goddesse it hath been spoken before. The time of the yeere when these sports were observed, [b] was upon the foure last daies of *Aprill*, and the first of *May*, whence is that of *Ovid Fast. 5.*

b Alex. ab Alex. lib. 6. 8.

Incipis Aprili, transis in tempora Maii:
Alter te fugiens, cùm venit alter, habet.

The manner thereof was, that shamelesse strumpets did thē run up and downe the streets naked, using many lascivious & obscene gestures, & speeches: they were called together by the sound of a trumpet, unto which *Juvenal* alludeth,

Dignissima prorsus
Florali matrona tuba.

More

Moreover, whereas in other games, Bores, Lions, & Beares were publikely baited, to recreate the ſpectators; here only Goats and Hares, & ſuch milder beaſts were hunted: [q] becauſe the Goddeſſe *Flora* had not the cuſtody of woods, and Forreſts, where the wild beaſts ranged; but Gardens, and Medowes. At this time alſo, Elephants, were brought forth into the publike view of the people, which were taught [r] to walk on ropes; & that there is an aptneſſe in Elephants [ſ] to goe forward and backward on ropes, *Pliny* teſtifieth.

q Hoſ. de orig. Feſt.

r Suet. in Gal.

ſ Plin. l. 8. c. 3

Cap. 4.

Ludi Martiales.

Of theſe ſports there is not much ſpoken: [t] they were obſerved upon the firſt of *Auguſt*, becauſe on that day the Temple of *Mars* was conſecrated. They were firſt inſtituted [u] by *Numa Pompilius*.

t Dio. lib. 60.

u Tert. de ſpe. cap. 5.

Cap. 5

Ludi Apollinares.

There was an ancient Poet, called *Martius*, † out of whoſe writings, as likewiſe out of the *Sibylline* Oracles, the *Romans* were admoniſhed to dedicate certaine games to *Apollo*. At the firſt celebratiõ of them, [x] it is reported, that a ſuddain and unexpected invaſion of enemies enforced the *Roman* people to forſake their ſports, and to betake themſelves to weapons: in which time of their diſtraction, a cloud of darts and arrowes was ſeen to fall upon their enimies, ſo that they preſently returned Conquerours unto their ſports, where [y] at their returne they found one *C. Pomponius*, an old man, dancing to a minſtrell, and being very joyfull, that their ſports had been continued with-

† Liv. lib 5 dec. 3.

x Macrob. l. 1 Sat c. 17.

y Suet. Pomp. Feſt. vid. Hoſ. de orig.

without interruption they cryed forth, *Salvares eſt, ſaltat ſenex.* Which ſpeech afterward became proverbiall, and is fitly uſed, when a ſuddain evill is ſeconded with a good event, beyond hope or expectation.

Cap. 6.

De ludis Romanis, qui & magni, & Conſuales, & Circenſes dicti.

THeſe ſolemnities are ſometimes called *Romani ludi*, becauſe of their antiquity amongſt the *Romans*, being firſt inſtituted by *Romulus*; ſometimes *Magni ludi*, either becauſe of the great charge and expence of money at that time, or becauſe they were performed in the honour of their great God [a] *Neptune*, called alſo *Conſius*, becauſe he was reputed the God of ſecret *counſels*, whence the ſolemnities themſelves are ſometimes called *Conſualia*: whereas many of the *Roman* Temples, for certain myſterious ſignifications, had their peculiar manner of building, [b] *Servius* noteth, that the Temple in the great Cirque, dedicated to *Conſus*, was covered, to ſignify that counſels muſt be ſecreted and concealed. Likewiſe for the ſame reaſon, [c] his Altar was made under the earth, not appearing in publique view, ſave only in the time of theſe ſolemnities exhibited. The chiefe ceremonies uſed at this time, conſiſted in the adorning of their horſes and aſſes with garlands, wherein they thought that *Neptune* was honoured, who was the firſt author & inventer of horſ-riding: hence *Neptune* himſelf is called [d] ἵππιος. This feſtivall was firſt inſtituted by *Evander*, in the honour of *Neptune*, under the name of ἵππιος, & thence the feaſt was called ἱππόκρατια. Afterward it was renewed by *Romulus*, [e] in the honor of *Neptune* likewiſe, but under the name of *Cõſus*, becauſe *Romulus* needed a God of counſell to aſſiſt him in that deſignement of his, for the violent taking away of ſo

[a] Tertul. de ſpect cap. 5.

[b] Serv. in Vir. Æn lib. 8.

[c] Alex. ab Al. l. 5. c. 26.

[d] Vid. Suid.

[e] Dion Hal. lib. 1.

many *Sabine* women, as were taken away at the first celebration of these games. The reason of *Romulus* his institution of them, being no other, but that upon the fame of these new sports, many *Sabine* women flocking thither to be spectators, his project might be the sooner effected. These and the cirque-shews, so often mentioned in ancient authors, at first were all one, as appeareth by that of [f] *Valerius*. *Addit ēpus circensi spectaculo contenta erat civitas nostra, quod primus Romulus raptis virginibus Sabinis Consualium nomine celebravit.* Touching these cirque-shews, some are of opinion that they were performed in the honour of *Ceres*; this *Julius Scaliger* [g] disliketh & he is of opinion, they were celebrated in the honour of *Neptune*: others are of opinion they were instituted in the honour of the *Sun*. All opinions may be reconciled, if we understand first, those Authors who ascribe these cirque shews to *Ceres*, to speak of the *Cereales ludi*, which we read sometimes to be called *circenses*, because they were exhibited in the Cirque. Secondly if we distinguish the *Pompa circensis*, from the *Circenses ludi*, and from the *Cereales ludi*. The *Cereales ludi* were instituted in the honour of *Ceres*; the *Circenses ludi* in the honour of *Neptune*; the *Circensis Pompa*, in the honour of the Sunne. And furthermore for the full understanding hereof, we must know that the horses brought into the Cirque at this time, were of two sorts: some were only πομπικοὶ, such as were led up & down for shew & state; I understād *Alex. ab Alex.* to speak of these horses, when he saith [h] horses were consecrated to the Sun; nay I understand those horses mentioned 2. *Kings*, 23. to have bin of the like superstitious invention, where it is said, that *Josiah* did put down the horses given to the *Sun*, & the *chariots of the Sun*. That practice I say, hath neer affinity with this of the *Romās*, but I think it to have bin originally derived to the people of *Judah*, frō the *Persians* who also accounted them holy to the Sun; & the *Persian* king when he would shew himself in great state, caused an exceeding great horse,

f Val. Max. lib. cap. 4.

g Jul. Scal. lib. poet. c. 32.

h Alex. ab Alex. lib. 3 c 12

i Cœl. Rhod. antiq. l. 8. c. 2.

to

to be led up and down, which was called *Equus Solis*. Other horses were for exercise and race, we may call them δρομικὸς, the institution of these I suppose to have bin in the honour of *Neptune*. The prises of masteries exercised in time of this cirque-shew were many; fencing, and that untill one of the combatants were killed in the place; fighting with beasts; wrastling; running of races on foot; jumping and leaping; horse-racing; sea-skirmishes exhibited in some river; coach-races; and fighting at whorlebats. Howsoever the nature and manner of these games are in some measure understood by the very names, yet a more large discourse concerning the two last, will be very behovefull, for the more full understanding of the *Roman* History. These coach-races, when this mãner of race was first instituted, were divided into two companies, which they tearmed *Factiones albas, & russeas*: distinguishing each faction or company by the different colour of their [k] coats. Afterward they were divided into four companies, distinguished alwaies by their colours: whence came that distinction, *Factiones Prasinæ, Venetæ, Russatæ, Albatæ*; which colours may thus be englished; the first signifieth a deep green; the next a kind of russet inclining to red; the third a Venice blew, or Turky colour; and the last a perfect white. Of these [l] *Tertullian* speaketh as followeth: *Aurigis coloribus idololatriam vestierunt, & ab initio duo soli fuerunt, albus & russeus. Albus hyemi ob nives candidas: russeus æstati ob solis ruborem voti erant: sed postea tam voluptate, quam superstitione provecta russeum alii Marti, alii album Zephyris consecraverunt: Prasinum vero terræ matri, vel verno: Venetum cœlo & mari, vel autumno.* As the Emperour, so the people sometimes favoured one faction or company, sometimes another: & accordingly as they favoured the company, they would lay wagers on their side, which wagers they termed by a peculiar name *Sponsiones*; thus [m] *Turnebus* interpreteth *Tertullian*, where he saith that the people flockt to these races, sometimes for one reason, sometimes for another,

k Henr. Salm. in Pancir. cap. de Circo Max.

l Tertul. de spect. cap. 9

m Turneb. ad. lib. 8. cap. 4.

ther, but sometimes *sponsionibus concitatus, id est*, stirred up with a desire of betting, or laying wagers. To these foure [n] Tertul. de spect. cap. 16. [o] Suet. in Domitian. cap. 7 [o] *Domitian* in his time added two other companies, the one wearing cloath of gold, the other of purple: but these latter remained not long in use. Their fighting at whorlebats they termed *bellare cestu*. The manner of the fight conceive thus; the combatants had in each hand a strap of leather, with which each struck at the other (for we must know that this kinde of fight succeeded fisticuffes, and because in fisticuffes the party striking, did by the blow as well hurt his own fist, as he did him that was strucken, hereupon they invented this other kind of fight with lethern switches) these lethern [p] Jul. Scaliger lib. poet. c. 22 switches they called *Cestus*, from the [p] Greek κεστὸς, signifying a belt or girdle: to make the fight more dangerous, they did in after-times tye peeces of lead, or yron, at the end of these leathern straps, so that they did with the force of the stroke often dash out one anothers braines: and because by the waight of the lead or yron, the strap might chance to fly out of their hands, they caused each strap to be tyed fast to their armes, and shoulders: neither was this without reason, for those yron or leade peeces could not be but very waighty, being made in the bigneste and forme of Rams hornes. [q] Aldus Manut lib. 2. de quæst. per epistolam ep. 8. vid Rosin. ant. lib 5. c. 5 Lastly, these Cirque-shew had their appellation *Circenses*, either from the great Cirque, or shew-place, called *Circus Max:* where the games were exhibited; or from the swords wherewith the players were environed, as one would say *Circa enses*. They much resembled those Grecian games called *certamina Olympica*, where the runners with Chariots, were hemmed in on the one side with the running river, & on the other with swords pitched point wise, that they should hold the race on directly, and not swarve aside without danger. [r] Rosin ant. L. 5. c. 5. [r] Some have thought them to be the same with *ludi Gymnici*, so called from γυμνὸς, naked; because that those which did performe those kindes of exercises, did either put off all, or the greatest part of their cloaths, to the intent that they

they might the more readily and nimbly performe their games; for which purpoſe they did alſo anoint their bodies with oyle; whence we ſay, when a man hath loſt his coſt and labour, *Operam & oleum perdidit*; *oleum* in this place ſignifying coſt and charges; ſo that the proverb was the ſame with that of the Coblers crow, *Opera & impenſa periit.*

Cap. 7.

Ludi Capitolini, & Agones Capitolini.

THe firſt inſtitution of theſe games [r] *Livy* ſheweth, where likewiſe he intimateth the reaſon, why they were called *Capitolini*, to have been in the honour of *Jupiter Capitolinus*, becauſe he preſerved the *Capitoll*, when it was aſſaulted by the *Gauls*. We muſt diſtinguiſh theſe games from thoſe other ſhewes called *Agones Capitolini*, inſtituted by *Domitian*: For thoſe *Ludi* were exhibited yearly, [ſ] theſe *Agones* every fift yeare; in thoſe was celebrated the deliverance of the *Capitoll*; In theſe Rhetoricians and Poets and men of other profeſſions contended for the victory: and hence [t] *Roſinus* thinketh the *Poets Laureat* to have taken their beginning. He is likewiſe of opinion, that *Juvenal* alludeth unto theſe ſolemnities,

[r] Liv. dec. 1. & lib. 5.

[ſ] Suetonius in Domit. cap. 4.

[t] Roſin. ant. lib. 5 c. 18.

——*Sed cum fregit ſubſellia verſu*
Eſurit, intactam Paridi niſi vendit Agaven. Sat. 7.

Although the alluſion may be granted, yet herein I thinke *Roſinus*, though otherwiſe learned, to have been miſtaken, in interpreting *Fregit ſubſellia*, by *Non ſtetit, Excidit*, or *Non placuit*; as if the poet of whom *Juvenal* ſpeaketh, had been conquered at this time. In my opinion neither will the purpoſe of *Juvenal*, nor that phraſe of ſpeech admit that conſtruction. Not the purpoſe of *Juvenal*, for the ſcope and driſt of that Satyre, is to ſhew, that be the Poet never ſo pleaſing, or let him give full ſatisfaction to the people, yet he ſhal re-

ceive no benefit thereby, but a vain and empty applauſe, ſo that he ſhall be compell'd to ſell thoſe very Poems which are received with ſo generall an approbation, to buy victuals, and prevent hunger. Neither doth that interpretation agree with that phraſe: for *Frangere ſubſellia*, doth rather on the contrary, ſignify the vehement acclamation given by the people in approbation of the Poem, it being a poeticall elegancy, to expreſſe the vehemency and greatneſſe of the applauſe. [u] *Sidonius Appollinaris* uſeth the ſelfe ſame phraſe; *Hunc olim perorantem, & rhetorica ſedilia plauſibili oratione frangentem, ſocer eloquens ultro in familiam patritiam aſcivit.* Neither is that of *Virgil* unlike;

Et cantu querulæ rumpunt arbuſta cicadæ.

Yea the *Gracians* uſed the ſame manner of ſpeech, [x] κατεῤῥήγνυτο πάς ὁ τόπος, ὑπὸ τῦ κρότε, καὶ τῆς κραυγῆς. So that hereby I think the Poet underſtandeth, that *Grande ſophos*, ſo often mentioned by *Martial*: it being a uſuall cuſtome amongſt the *Romans*, to ſignify their approbation of their Oratour or Poet, by the loud acclamation of σοφῶς, or ῥᾳδίως. Unto which *Horace* alludeth, *de arte poet.*

— clamabit enim pulchrè, benè, rectè.

But to return whence we have digreſſed, theſe latter ſolemnities were of ſuch note, that whereas the *Romans* formerly, made their computations of their greater yeere, called *Annus magnus*, by their *luſtra*, [y] now they made it by theſe *Agones Capitolini*. Againe we muſt diſtinguiſh theſe *Agones quinquennales* inſtituted by *Domitian*, from thoſe *Ludi quinquennales* inſtituted by [z] *Auguſtus Cæſar*, in memory of the victory which he got againſt *Antonius*, upon the promontory *Actium*, whence they were called, *Actiaci Ludi*.

u Sidon. Ap. lib. 5. Epiſt. ad Sapand.

x Polyb. in hiſt. 15.

y Hoſpin. de orig. feſt.

z Sueton. Aug. cap. 18

Cap. 8.

De ludis ſecularibus.

AUthors agree not upon the juſt period of time when theſe ſecular games were to be renewed; ſome are of opinion that they were to be celebrated every hundreth yeare; ſome every hundreth and tenne, ſome once only in three hundred: but in this all agree, that they were named *ſæculares* from *ſæculum*, which ſignified at leaſt an hundred yeares, [a] *ſæculum in centum annos extendi exiſtimabant*; Becauſe the full and compleat age of a man, might extend it ſelfe to the hundreth yeere, and ſeldome to any above an hundred; thence it was, that the form of words uſed by the publike cryer in proclaming theſe games, was, [b] *Venite ad Ludos quos nemo mortalium vidit, neq́, viſurus eſt.* Unto which [c] *Ovid* alludeth, *Triſt. l* 2. *Carmina*——

Juſſerat & Phœbo dici, quo tempore ludos
Fecit, quos ætas aſpicit una ſemel.

But the Emperours being ambitious of honour, and deſirous to be ſpectatours of the games in time of their own raigne, they did often anticipate the time. *Claudius Cæſar* amongſt the reſt, proclamed them within [d] ſixty three yeeres after *Auguſtus* had obſerved them, which occaſioned the people to deride his cryer, inviting the people to thoſe ſhews and ſports, which no man living either had ſeen, or ſhould ſee againe: becauſe [e] ſome who were ſpectatours nay actors in thoſe ſolemnities exhibited by *Auguſtus*, lived at the ſame time when *Claudius* cauſed this to be proclamed. Theſe playes were alſo [f] called *Tarentini ludi*, not from the city *Tarentũ* in great *Greece*; but from a certain place of the ſame name neer *Rome*, adjoyning to the river *Tiber*. All the Theatres at this time were filled, and ſacrifices offered throughout all the *Temples*, for the ſpace of three dayes and three nights,

Herodian. lib. 3. in vita Severi.

a Roſin. antiq. l. 5. c. 21.

b Pol. Virg. de invent. l. 8. cap 1.

c Ov. Triſt. lib. 2.

d Alex. ab Alex. l. 6. c. 9.

e Suet. Claud. cap. 21.

f Hoſpinian. de orig. Feſt.

nights, which giveth light to that of *Auſonius*,

Trina Tarentino celebrata trinoctia ludo.

The firſt day the Emperour and the *Quindecim-viri*, early in the morning aſcended the *Capitoll*, and there offered ſacrifice according to the wonted manner; thence they departed to the Theatres, to performe ſolemn playes in the honour of *Apollo* & *Diana*. The ſecond day the noble Matrons aſſembled together in the *Capitoll*, they offered up ſupplications unto their Gods, they faſted and ſung hymnes, in the honour of the Gods. The third day ſeven and twenty boyes, going along three and three, and as many maids in like manner, all of them nobly deſcended, and having both father and mother alive, ſung verſes; in which they commended the *Roman* ſtate to the protection of the immortall Gods. This was tearmed *Pæanas concinere*, which word *Pæan*, though it ſignifieth primarily an hymne, or ſong of praiſe made to *Apollo*, who was called *Pæan*, [g] from παίειν, *à feriendo*, becauſe of his victory gotten of the *Python*: yet [h] ſometimes, and ſo in this place, it denoteth the praiſes in generall of all the Gods. Againe the phraſe intimateth an elevation of the voice in ſinging, with a kind of riſing from one note to another. Thus *Turnebus* maketh παιανίζειν, and μινυθεσθαι to be oppoſite, [i] *Videtur autem Pæan contentionis vocem eſſe, minuitio remiſſionis.*

g Cœl. Rhod. antiq. l. 7. c. 5.

h Servius in Æn. 1 lib 6.

i Turneb. adv. lib. 1. c. 12.

CAP. 9.

De ludis plebeiis, compitalitiis, Auguſtabilibus, Palatinis, Taurilibus, & Votivis.

OTher Games there were performed in the honour of the Gods, which are rather named by Authors then explained, they are theſe that follow; *Plebeij Ludi*, [k] which were celebrated in memory of the liberty procured to the *Roman* ſtate, by the ſucceſſion of Conſuls in the place of

k Alex. ab Alex. l. 6. c. 19.

of Kings: or as others ſay, in memory of the reconciliation wrought between the Senators & the Commonalty, by reaſon of their great oppreſſion at that time, when the Commons in a kind of mutiny departed to the *Aventine* mount. 2. *Compitalii Ludi*, ſo called becauſe they were uſually ſolemnized in *Compitis*, (*id eſt*) in the croſſe-wayes, and open ſtreets: [l] they were firſt ordained by *Servius Tullius*, in the honour of thoſe Gods, whom they termed *Lares*, in memory of his nativity. The form of words uſed by the *Prator*, when he ſignified to the people the time of theſe ſolemnities, was as followeth, [m] *Die noni poſt Calendas Januarii Quiritibus compitalia erunt* Concerning which words, *Gellius* noteth, [n] *Die noni Prator dicit, non die nono, neq; Prator ſolùm, ſed pleraq; omnis vetuſtas ſic locuta eſt.* 3. *Auguſtales ludi*, performed in the honour of *Auguſtus Ceſar*. 4. *Palatini ludi*, ſo named, becauſe they were performed in the *Palatine* mount. Some are of opinion that they were inſtituted in the honour of [o] *Julius Ceſar*, others in the honour of *Auguſtus*. 5. *Taurii ludi*, which received their name from *Taurus*, a bull: they were firſt ordained by [q] *Tarquinius ſuperbus*, when there happened a great peſtilence amongſt the women with child, occaſioned by much bull fleſh ſold unto the People, for the removall of which plague, theſe games were inſtituted, in the honour of the infernall Gods. They are ſometimes alſo called *Boalia*, & *Bupetii*. 6. To thoſe may we adde their *Votivos ludos*, which were alſo performed in the honour of ſome God, upon ſome ſpeciall vow made. For whenſoever the *Romans* did undertake any deſperate war, then did ſome *Roman* Magiſtrate *Vovere ludos, vel templa*, conditionally that they got the conqueſt; whiles the Magiſtrate uttered this his vow, he was ſaid *Vota nuncupare* or *facere vota, id eſt*, to make a ſolemne vow unto the Gods: the vow being thus made, he which made it did write it in paper, & with wax faſtned it to the knees of their Gods, thereby binding himſelfe the more ſtrongly to

l Plin. lib. 36. cap. ult.

m Macrob. l. 1 Satur.

n A. Gel. noct. At. l. 10. c. 24.

o Alex. ab Alex. lib 6 c. 19.

p Lib. 56 cap. ult,

q Feſt. vid. Hoſpin. de orig.

Turneb adver. l. 1. c. 17

the performance; & this in *Pliny* his phraſe is *ſignare vota*; *Juvenal* termeth it, *Genua incerare deorum. Sat.* 10. After this he was ſaid to be *Voti reus*, *id eſt*, conditionally bound and obliged to the performance thereof, ſo that the Gods might challenge the thing vowed as due debt, if they granted his requeſt, yea after that the thing craved had been obtained, then was he ſaid, *Damnatus voti, vel voto (id eſt)* ſimply bound to the performance of the vow, ſo that by cõſequence, *Damnari voti, vel voto*, is to have ones deſire accompliſhed. Thus have we gone over the chiefe and principall games which were meerely *Sacri*, tending to religion: the ſecond ſort were, *Ludi honorarii*, of which in the next Chapter.

Cap. 10.

De Gladiatura.

Such ſports and plaies, which were performed by private men upon their own purſe and charges, they ſeeking thereby to winde themſelves into the affections of the common people, and to make way for their own preferment and honour, were termed [a] *Ludi honorarii*: and howſoever any game or ſhew might be tendred unto the people in this reſpect, yet thoſe of this nature were for the moſt part, *either fencing* or *ſtage-playes*; *fencing*, becauſe the ſight thereof was ſo often freely beſtowed upon the people, is therefore many times denoted by the Latin word, [b] *Munus*; and thoſe that beſtow theſe ſights, are for the ſame reaſon termed *Munerarii*. The firſt originall of this fencing, and ſword-playing, to the killing of one another, hath been derived [c] from a cuſtomary practice among the Heathens, at the burials of their friends, who were perſwaded that the ſhedding of mans bloud would be propitiatory for the ſoul deceaſed; hence would they buy captives & ſlaves, purpoſely to be ſacrifiſed at burials: afterward that this wicked ſpectacle

[a] Iſaac Caſaubon. in Suet. Aug. 32.

[b] Lipſ. Sat. l. 1. cap 7.

[c] Tertul. It. Servius in Æneid. 10.

cle might be the more pleaſant & delightfull, they changed their ſacrifice into a fencing with art, where the combatants did fight for their life. This particulat kind of fencers were called *Buſtuarii*, from *Buſtum*, the place where dead mens bodies were burned; but ambition and cruelty made theſe bloody ſpectacles in after ages more frequēt, inſomuch that prizes at laſt were plaid not only at the tombes, but in diverſe other places, as the *Cirque* & *Amphitheatre*, &c. yea they were given as legacies by will and teſtament unto the people. Theſe prizes have continued many daies together, & the number of the combatants ſometimes exceeded number. At the firſt none would thus hazard their lives, but captives, and fugitive ſervants, which were enforced thereto, being bought for that purpoſe; afterward thoſe that were free-borne ſuffered themſelves to be hired, for which cauſe they were termed *Auctorati*, hirelings; [d] yea noble men themſelves ſometimes by reaſon of their decayed eſtates, ſometimes to demerit the Emperour his love, endangered their lives in this fight. Thoſe that were hired, bound themſelves by a ſolemne oath to fight unto death, or elſe they would yeeld their bodies to be whipt, yea and to be burnt, unto which [e] *Horace* alludeth;

d Sen. ep. 100.

e Serm. 27.

Quid refert, uri, virgis ferroq́, necari?
Auctoratus eas, an turpi clauſus in arca?

The manner of this bloody ſpectacle was thus; the Maſter, or exhibiter thereof, did by a publike bill, give notice unto the people, what day the prize ſhould be performed, how many couples were to combat, what their names, &c. thereby to procure the greater expectation, & concourſe of people: of this ſpeaketh [f] *Sueton*, *Munus populo pronunciavit in filiæ memoriam.* [g] Yea they did in tables hanged in publike view, paint and repreſent, not onely the deſcription of the place, but alſo the very forme and geſture of the fencers;

f Sueton. in Julio.

g Plin. 357.

——*velut ſi*
Revera pugnent, feriant vitentq́, moventes

Arma viri. Horat. lib. 2. Sat. 7.

Upon the day appointed when all met, then were the weapons brought forth, and those, they were of two sorts: *Lusoria*, or *Exercitoria tela*, such as were the speare & wands, or cudgels, that they might tosse the one, & fence with the other, and shew other feats of activity, all being but preparations to that more solemne & dangerous fight ensuing. The Greeks called them ἐφαιρωμένα ἀκόντια, because of the little balls tied at the sharp end of the weapons, to prevent dangers. Other were [h] *Decretoria tela*, so called, *Quia hæc velut decreto Prætoris, sive Editoris dabantur*. These were those, with which they really encountred each other for life or death, and therefore sometimes they are called *Pugnatoria*; [i] *Seneca* speaketh of both, *Remove ista lusoria arma, decretoriis opus est*. And that the Apostle doth not allude to both, I dare gaine-say, 1. *Cor*, 9. 26. 37. where he saith, οὕτω πυκτεύω ὡς οὐκ ἀέρα δέρων, ἀλλ' ὑπωπιάζω μου τὸ σῶμα, He did not beat the ayre, and flourish with those lusorious, and preparatory weapons, but he did truly fight against his naturall corruption, to the wounding and subduing of it; for so [k] ὑπώπια signifieth, putrefied wounds. That phrase of *Seneca's* alluding to the fore-flourishings, is not much unlike; *Aliud est ventilare, aliud pugnare*. This fore-skirmish with cudgells was properly termed *præludium*: *Megara* speaking of *Hercules* his conquest over the two Serpents, assaulting him being yet an infant, saith, [m] *Prælusit Hydræ, id est*, that combate was but the prologue, preface, or introduction to that greater which should ensue between him and the *Hydra*. Afterward when they betook themselves to naked weapons and to a reall fight, then were they said *Dimicare ad certum*, and *Versis armis pugnare*. This word [n] *Versis* being put for *Transmutatis*. In the act of fighting, they did frame & compose their body according to the rules of their art, for the better warding of themselves, and the readier wounding of their adversary. This frame and posture of the body,

h Lips. Sat. l. 2. cap. 19.

i Sen. epist. 117.

k Suid. in voce ὑπώπια.

l Sen. l. 3. cont.

m Sen. Herc. fur. vers. 221.

n Lips. Sat. l. 2. cap. 19.

body, was by a peculiar name called *Status, or Gradus*; whence arose those elegant Metaphors, *Cedere de gradu, Demigrare de gradu*: to change ones purpose, & as it were to draw back from what he formerly intended. In like manner we say, *De mentis statu dejicitur*, or *deturbatur*; he is driven to change his minde, or in generall, he is amazed. In the conflict, oftentimes the sword-players after they had received any dangerous wounds, laid down the weapons, which though in extremity was a token of cowardise, neither were they thereupon acquitted or discharged; but this depended upon the consent either of the Emperour, or the people, or the Master of the shew. This discharge was properly called *Missio*. Such was the cruelty of those times, that many prizes were proclamed, wherein they fore-signified, that such discharges should neither be craved, nor granted: whereupon [o] *Augustus Cæsar* made a decree, wherein *Gladiatores sine missione edi prohibuit*. Those combatants that overcame, received by way of reward, sometimes money, sometimes a garland, or coronet of palme-tree, wound about with certain woollen ribbands called *Lemnisci*; the coronet it selfe was therefore called [p] *Palma lemniscata*, & hence figuratively hath *Palma* been translated to signify the victory it self, & such a man as hath often gotten the prize, we say proverbially that he is *Plurimarum palmarum homo*. The reason why the Palme tree, rather then any other tree, should be given in token of victory, is rendred by [q] divers approved authors to be this: because the Palme-tree, though you put never so ponderous and heavy weight upon it, yet it will not yeeld, but rather endeavour the more upward. Sometime the reward given by the people was one of those wands, or cudgels used in the fore-skirmish. That wand was properly called *Rudis*, and it was given in token of liberty, signifying thereby, that he should thence forward lead his life free from shedding of blood: alluding to which custome, this word [r] *Rudis* hath been used to signify any other kind of

[o] Suet. Aug. 49.

[p] Fran. Sylv. in orat. pro Sext. Rosc.

[q] Arist. prob. 7. Plut. symp. 8. q 4. A. Gel. l. 3. c. 6.

[r] Eras. Adag. Rudem accipe.

freedome or diſcharge; Whereupon *Horace* ſaid of himſelf, that he was *Rude donatus, id eſt,* diſcharged from his paines in Poetry. Laſtly, ſometimes he that conquered, received *Pileum*, a cap. And here it will not be amiſſe, to note the difference between *Palma, Miſſio, Rudis,* & *Pileus*; *Palma* was only a token of victory, not of liberty, or diſcharge. *Miſſio* was not a full diſcharge, but a kind of vacation, or reſpite granted upon requeſt, until the morrow, or ſome other time: againe it was granted to thoſe that were conquered, not to the conquerers. *Rudis* was a token of a full diſcharge from bloudy combats, whereby a mans life might be indangered; but yet with this diſtinction, that if it were beſtowed upon free Citizens, hired to be actors in theſe maſteries, thē were they thereby reſtored to their freedome alſo, which formerly they forfeited by undertaking ſuch baſe conditions: to others which were formerly ſervants, or captives, it was only a token of liberty & diſcharge. Notwithſtanding ſometimes upon favour, ſuch ſervants or captives obtained together with their diſcharge from ſuch fights, a privilege alſo of enfranchiſement, whereby they were thenceforward incorporated amongſt free Citizens; the token hereof was *Pileus*, for then they received a cap, which latter obſervation helpeth for the underſtanding of *Tertullian*, where he ſaith;

[Tertul. de ſpect. cap. 21.] *Qui inſigniori cuiq; homicidæ leonem poſcit, idem gladiatori atroci petat rudem, & pileum præmium conferat.* In which ſpeech the unjuſt, & the unreaſonable practice of thoſe heathens is diſplaied, whiles they judge a man-ſlayer to be expoſed to Lions & wild beaſts, & yet notwithſtanding wil reward the bloodines of ſword-plaiers. Theſe fencers fought with divers manner of weapons, & accordingly had ſeverall names, the chiefe of which we read are theſe, 1. *Retiarii*, ſo called from *retejaculū*, ſignifying a float-net uſed in fiſhing, becauſe this ſort of Fencers did fight with a caſt-net in one hand, to catch and claſp about their adverſaries head; and a three forked engin in the other, which they uſed inſtead of a ſword

ſword: of this *Juvenal* ſpeaketh, *Sat.* 8.

——— *Movet ecce tridentem.*

They did alwaies fight in their coats: whence the Epitheto floweth, *Retiarij tunicati.* The reaſon why they bore up and down ſponges, which *Tertullian* calleth *ſpongia retiariorum*, may be for the drying up of the blood, and wiping, or ſtopping of the wounds: which uſe of ſponges *Pliny* noteth. Now becauſe theſe *Retiarii* were ſo light armed, they were compelled every time they ſtroke with their net, to retire back untill they recovered their net againe: and hence the ſecond ſort of fencers, which fought with thē, were termed [u] *Secutores, ab inſequendo*, from following & purſuing theſe *Retiarii.* The weapons wherewith theſe *Secutores* did fight, were a target, to keep off the net of the adverſary; a ſword, & an helmet. 3ly. *Thraces*, ſo called from the *Thracian* weapons which they uſed; their target was round & little, called *Parma*; it was at firſt in uſe among the † *Thracians*, & afterward ſo proper to this ſort of ſword players, that [x] *Parmularius* ſignifieth ſuch a one as favoured this cōpany, or faction of Fencers. Their ſword was a crooked falchion, termed by them *Sica.* The *Roman* ſouldiers did uſe to weare two of theſe, a long one on the left ſide, & a ſhorter on the right ſide, anſwerable to our ſword and dagger, but the forme of the *Sica* was alwaies crooked, according to that; *Sica θεατικὸν ξίφος ὃπως ἂν μαίης.* Privy murtherers practiſing the killidg of men, may ſeem to have uſed the leſſer, as a pocket dagger; ſuch are thoſe *Sicarii*, of which there is ſuch often mention in *Tully.* 4ly. *Myrmillones*, they are ſometimes called *Galli*, becauſe they were appointed after the manner of the *Gauls.* Their weapons were a ſword, a target, an helmet with a creſt in forme of a fiſh. 5ly. *Hoplomachi*, the name imports them to be armed in their fight, it is derived from the Greek ὅπλον *vel* ὅπλα *arma*, & μάχομαι *pugno*: untill *Auguſtus* his time they were named *Samnites*; their armour was an helmet with a tuft on the creſt, a ſword, a ſhield, & a boot on the

[t] Plin. lib. 31. cap. 11.

[u] Lipſ. Satur. lib. 2. c. 7.

† Turn. Adv. lib. 5. cap. 10.

[x] Suet. in Domit. cap. 10.

[y] Alex. ab Alex. l. 6. c. 22.

the left legge. 6ly. *Provocatores*, ſometimes called *Probatores*, theſe uſually fought with the *Hoplomachi*; their armour was a ſword, a target, an helmet, and boots on both legges. For as the footmen amongſt the ſouldiers; ſo likewiſe ſome of the ſword-players uſed boots, for the ſafeguard of their legges; theſe boots were made of* iron, and ſo common amongſt the Grecians in war, that boots alone are oftentimes put to expreſſe the Grecians whole armature, as appeareth by that uſuall epitheton in *Homer*, εὐκνήμιδες Ἀχαιοί, *id eſt*, *Bene ocreati Græci*. Theſe boots they wore ſometimes on both legges, ſometimes on one, according as the manner of fight required. 7ly. *Eſſedarii*, ſuch as fought one againſt another out of wagons, ſo called from *Eſſedum*, a wagon or chariot. 8ly. *Andabatæ*, *quaſi* ἀναβαταὶ, *aſcenſores*, becauſe they did fight on horſe-back, or out of chariots. This ſort of fencers did fight winking, whence ariſeth that adage, *Andabatarum more pugnare:* the phraſe is fitly uſed, when two ignorant perſons are hot in contention about that which neither underſtandeth. 9ly. *Dimacharii*, called alſo *Orbelæ*, they fought each againſt the other, with two ſwords a peece, as the firſt name importeth. 10ly *Laquearii*, ſuch as fought with ſwords & halters, the uſe of the halters was the ſame as the *Retiarii* made of their nets, to caſt about their adverſaries neck or arme, that they might the eaſier wound them with their ſword. Of all theſe ſorts of fencers† *Lipſius* treateth largely, to whom I refer the reader. Only here let him take notice that it was in the power of the people, to diſcharge any of theſe combatants in time of the fight, which diſcharge they ſignified *premendo pollicem*, by holding down their thumb: or elſe to adjudge him to continue the fight, though in never ſo great danger, and this latter they ſignified *convertendo policem*, by turning up the thumb;

— *Et verſo pollice vulgi*
Quemlibet occidunt populariter. Juven. Sat. 3.

Moreover that there might be alwaies in readineſſe, a ſufficient

* Veget. Vide Lipſ. de milit. lib. 3. dia. 7.

† Lipſ. Sat. 2.

ent number of sword-players, hence were there schooles erected, into which captives, fugitive servants, and notorious offenders, were sometimes condemned, sometimes sold. The Masters of these schooles were called *Lanista*, the schollers or under fencers, trained up there for more publick and dangerous fights, were called *Familia*. The word *Familia* is often taken in this sense, to signify the whole company of under-fencers, belonging to one schoole, and the Master of defence, is for this reason, more then once by [m] *Sueton* called *Pater-familias*. Moreover, when one challenged another to these combats, they signified their challenge by beckning with their little finger, *Horace* alludeth unto this.

Crispinus minimo me provocat, accipe si vis,
Accipe jam tabulas. lib. 1. *Serm.* 4.

This must be understood of a beckning, and that with the little finger; for otherwise in time of the fight, if either of the combatants did hold up his finger, [n] he signified thereby that he did yeeld, and give place unto his adversary, some think that *Persius* had respect unto this custome, in that phrase,

——*Digitum exere, peccas, Sat.* 5.

[m] Sueton. Calig. 26. It. in Domit. 10.

[n] Alex. ab Alex. l. 4. c. 26.

Cap. III.

De ludis Scenicis.

THe second sort of playes bestowed on the people for their favour, were *ludi Scenici*, stage-playes. The reason of this name *scena* may be seen before. The first institution of them was occasioned by reason of a great sickness, which by no medicinary help could be removed; The *Romans* superstitiously conceiting, that some new games or sports being found out, the wrath of the Gods would thereby be unarmed. Whereupon, about the foure hundreth yeere after the building of *Rome*, they sent for certain stage players out of *Hetruria*, which they called *Histriones*, from

[x] Lazius de repub. Rom. lib. 10. cap. 11.

[y] Alex. Gen. dier. l. 6. c. 19.

the *Hetrurian* word *Hister*, which signifieth such a player. *Quia Hister Thusco verbo ludus appellatur, id nomen Histrionibus est inditum. Polidor. de inven. lib. 3. c. 13.* Concerning the diverrs kindes of stage-playes I read of four, called by the *Gracians*, *Mimicæ*, *Satyræ*, *Tragœdiæ*, *Comœdiæ*; by the *Romans*, *Planipedes*, *Attellanæ*, *Prætextatæ*, *Tabernariæ*. In *English*, Fable: Mimicall, Satyrical, Tragicall, Comicall. These *Mimicall* players did much resemble the clowne in many of our *English* stage-playes, who sometimes would goe a tip-toe in derision of the mincing dames; sometimes would speak full mouthed to mock the country clownes; sometime upon the top of their tongue to scoffe the citizen. And thus, by the imitation of all ridiculous gestures or speeches, in all kind of vocations, they provoked laughter; whence both the plaies & players were named *Mimi*, from μῖμος an imitator, or one that doth ape-like counterfeit others; as likewise they were called *Planipedes*, because the Actors did enter upon the stage *planis pedibus, id est*, [z] *Excalceati* barefooted. The second sort of playes were called *Satyræ*, [a] from the lascivious and wanton country-Gods called *Satyri*, because the Actors in these *Satyricall* playes, did use many obscene poems, and unchast gestures, to delight their spectators. Afterward these kinde of actors as we may conject, did assume such liberty unto themselves, that they did freely and without controlement, sharply tax & censure the vices even of kings, as wel as of the commons, insomuch that now we call every witty poem, wherein the lives & manners of men are sharply taxed, A *Satyre*, or *Satyrical* poem. [b] *Satyra mordax fuit & salsum genus carminis.* These *satyricall* playes were also called *Attellanæ*, from the city *Attella* in *Campania*, where they were often acted. The third sort of stage-playes were called *Tragœdiæ*, from τράγος a Goat, & ᾠδὴ an Ode or song; because the actors thereof had a Goat given them as a reward. And likewise they were called *Prætextatæ* from *prætexta*, a certain *Roman* robe, which these actors

z Alex. ibi.

a Antesignan. in suis obser. de metris comicis Teren. præfixis.

b Vid. Erasm. adag. Κωμῳδεῖσθαι σατυρικοί.

actors did use to weare in their playes. The fourth sort were *comœdiæ*, from κῶμαι which signifieth villages, & ἀδὴ because, those kind of actors did go up and down the country, acting those *Comedies* in the villages as they passed along. They were likewise called *Tabernariæ*, *à tabulis*, *id est*, from the boards or pentices wherewith they were sheltred from the weather, whiles they were acting. These two last sorts of plaies, namely *Tragedies* and *Comedies*, being still in use among us, it will be worth our labour to consider the communities, wherein they agree; otherwise the proprieties or notes of distinction by which they differ. I find three sorts of parts, wherein they agree, namely *partes primariæ*, *accessoriæ*, *circumstantes*; parts principall, accessory, and circumstances, which are not so truly parts, as accidentall ornaments added to beautifie the playes. The principall parts are four in respect of the matter treated of, for as far as the declaration or exposition of the matter in hand reacheth, without intimation of the event to ensue, so far reacheth the 1. part called πρότασις, which word signifieth no more then a proposition or declaration. But when the play enclineth to its heat and trouble, then ensueth the second part called ἐπίτασις, which signifieth the intention or exaggeration of matters. The third part is called κατάστασις, *id est*, the state and full vigor of the play. The last part which is an unexpected change into a suddain tranquillity and quietnesse is called κατάστροφη; whence by a *metaphor* it hath been translated to signify the end or period of anyother thing, or rather the inclinatiõ unto the end, as *vitæ humanæ catastrophe*, the end of a mans life. In respect of the players forsaking the stage, the parts were five; namely the five Acts. For the Actors did five times in every *Comedie* and *Tragedie* forsake the stage, & make as it were so many interruptions. The occasion whereof is supposed to have bin this, that the spectators might not be wearied out with a continued discourse or action, but that they might sometimes be delighted with variety intermixed. For

those breaches and chasmes between each act, were made up and supplied, either by the *Chorus*, or *Musick*. Where we must note, that every *Tragedy* and *Comedy* must have five *Actus*, and no more, according to that of *Horace*;

Neve minor quinto, neu sit productior actu
Fabula.——

Again we must remember that it is not necessary that the πρότασις should alwaies be contained in the first Act; though many times it hapneth so: for in *Plautus* his bragging souldier the *Protasis* is found in the second Act; and so likewise have the other three parts, *id est*, *Epitasis*, *Catastasis*, and *Catastrophe*, their bounds unbounded. These Acts are divided into severall scenes, which sometimes fall out more, sometimes fewer in every Act. The definition of a scene being [c] *Mutatio personarum*: Whence we call a subtile *Gnatho*, which can humour himself for all persons and times, *omnium scenarum homo*, a man fit for all parts. Now amongst the *Romans* it was thought unfit, that above three persons should come on the stage in one scene;

Nec quarta loqui persona laboret. Hor.

The *partes accessoriæ* in a *Comedy* are foure; *Argumentum*, *Prologus*, *Chorus*, and *Mimus*. The first is the matter or subject of the Comedy. The second is the Prologue, which is either ὑποθετικὸς, such as doth open the state of the fable, at which time there needeth no argument; or else σφρατικὸς, such as commendeth the fable, or the Poet unto the people; or lastly ἀναφορικὸς, such as shall refute the objections and cavils of adversaries. The third is *Chorus*, which speaketh between each Act; and this *Chorus* may consist either of one, or many speakers, and that either male or female: [d] but with this caution, that if a male be to be commended, then must the *Chorus* consist of males; if a female be to be commended, then must it consist of females. And alwaies whatsoever the *Chorus* speaketh it must be pertinent to the Act past, or covertly intimating somewhat ensuing.

c Vid. Erasm. Adag.

d Rosin. ant. cap. de trag. & com. lib. 5.

—Non quid medios intercinat actus,
Quod non proposito conducat & hæreat aptè. *Horat.*

It may seem sometimes that in the midst of the play some other sport was interposed, as hunting, or fencing, or such like, to delight the spectators with the greater variety, whence *Hor: Si discordet eques, media inter carmina poscunt*
Aut ursum aut pugiles.

These interposed varieties were denoted by the name of *Diludia*; *Displicet iste locus, clamo, & Diludia posco. Horat:* The fourth and last accessory part, was *Mimus*, the clowne, or fool of the play. Of all these parts a Tragedy hath only a *Chorus*. The *partes circumstantes*, or accidentall ornaments, were four, common to both, *Titulus*, *Cantus*, *Saltatio*, *Apparatus*, *id est*, the Title of the play, Musick, Dancing, and the Beautifying of the Scene. By the Scene in this place, I understand the partition between the players vestry, & the stage or scaffold. This partition at the acting of a Tragedy was underpropped with stately columnes and pillars, and beautified with paintings resembling princely buildings and the images as well of Gods as Kings. At the acting of a Comedy countrey cottages and private buildings were painted in the out-face of the partition. In the *Satyricall* plaies the painting was overcome with shadows of mountains and woods: The first of these partitions they called *Scenam Tragicam*, the second *Comicam*, the third *Satyricam*. The differences between a *Tragedy* & a *Comedy*, which may be collected out of *Antesignanus*, are these: first in respect of the matter, because a *Tragedy* treateth of exilements, murders, matters of griefe, &c. a *Comedy* of love toyes, merry fictions and petty-matters, the one being *διὰ τῶν μειζόνων*; the other *διὰ τῶν ἐλαττόνων*. In a Tragedy the greatest part of the Actors are Kings and noble persons; in a Comedy private persons of meaner state and condition. The subject of a Comedy is often feigned, but of a Tragedy it is commonly true and once really performed. The beginning of a Tragedy is calme

e Alex. Gen. dier. l. 5. c. 16

f Antesig. in suis observ. metris comicis 1 erent. præfixis.

calme and quiet, the end fearefull & turbulent; but in a *Comedy* contrarily the beginning is turbulent, and the end calme. Another difference which *Anteſignanus* hath omitted is behoveful for us to know, namely that the Tragedians did weare upon the ſtage a certaine ſhooe, comming halfe way up the leg in manner of buskins, which kind of ſhooe was called by them *Cothurnus*, and from that cuſtome it hath been occaſioned, that *Cothurnus* is tranſlated to ſignify a *Tragicall* and lofty ſtile, as *Sophocleo digna Cothurno*, matters beſeeming *Sophocles* his ſtile: and ſometimes a *Tragedy* it ſelfe. The Comedians did uſe an high ſhooe comming up above the ankle, much like a kind of ſhooes which plow-men uſe to weare to keep themſelves out of the durt. This kind of ſhooe is called *Soccus*, by which word ſometimes alſo is ſignified a *Comedy*, as

Nigris medium impediit crus Pellibus *Horat.* Sect. 1. Sat. 6.

Hunc ſocci cepere pedem grandeſq; Cothurni. Horat.

[g] All theſe ſorts of ſtage-playes, both *Mimicall*, *Satyricall*, *Tragicall* and *Comicall*, if they were acted according to the *Grecian* rite and cuſtome, then were they called *Palliatæ*, from *Pallium*, a certain mantle which the *Græcians* did uſe to weare, if according to the *Roman* manner, then were they called from the *Roman* gowne *Togatæ*.

[g] Anteſig ib.

Cap. 12.

De Trojano ludo, ſive Troja.

IT was a cuſtome among the *Romans*, ſometimes in the yeere to have a generall muſter of the younger ſort, who meeting in the Cirque, exerciſed there running, racing, riding at tilt, and other ſuch like feats of activity, whereby they might be trayned up for their better ſervice in the war. They choſe a Captaine, one or other of noble birth; [a] He was called *Princeps juventutis* They divided themſelves into diſtinct companies, ſometimes marching forward, one againſt

[a] Hoſpin. de orig. feſt.

gainſt another, ſometimes retiring backward, ſometimes skirmiſhing, ſometimes imbattelling themſelves in one form, ſometimes in another, as if it were a true field pitcht. A large and full deſcription hereof we have in *Virg. Æn.* 5. This game was called *Trojanus ludus*, or ſimply [d] *Troja*, without the addition of any other word, becauſe *Aſcanius Æneas* his ſonne firſt brought it out of *Troy*, according to that of *Virgil* in the fore-quoted place.

Hunc morem, curſus, atq́, hæc certamina primus
Aſcanius, longam muris cùm cingerit Albam,
Retulit, & priſcos docuit celebrare Latinos.

[d] Suet. in Jul. cap. 39.

Among other ſports uſed at this time, [e] there was alſo a kind of morisk daunce, wherein the younger men daunced in harneſſe, after a warlick manner, being thereby trained, to exerciſe all parts of their body, by ſundry geſtures, as well to avoid all venues and defend themſelves, as to annoy and offend the enemy. This kind of dance is generally called *Pyrrhica ſaltatio*; becauſe it was invented by [f] *Pyrrhus*. Yea [g] ſome ſay, that *Suetonius* taketh *Trojanus ludus*, and this *Pyrrhica ſaltatio*, for one and the ſame thing. Nay *Alexander* confoundeth both theſe, with thoſe other games tearmed *Juvenales lud*. But doubtleſſe herein he was miſtaken, for thoſe *Juvenalia*, were inſtituted by [h] *Nero* at the ſhaving of his beard, and had not their name, becauſe young men were the chiefe actors, but becauſe old men would now by the practice of youthfull ſports, turne young again. The actions at this time were ſo farre from ſavouring of military diſcipline, that on the contrary, they were for the moſt part effeminate and wanton.

[e] Alex. ab Alex. l. 6. c. 19.

[f] Plin l. 7. c. 56.

[g] Serv. in l. 5. Æn. It. Alex. ab Alex. loco ſupra citato.

[h] Sueton. in Neron c. 11.

[i] Cœl. Rhod. lib. 19. cap. 22

[k] Roſin. Rom. ant. l. 5. c. 22

CAP. 13.

Cap. 13.

De teſſeris, talis, & latrunculis.

BEfore we treat of the game called *Ludus teſſerarius*, it will not be amiſſe, 1. to cleare the word *teſſera* from all ambiguity. The word hath four remarkable ſignifications, all alluding to matters of antiquity. Firſt it ſignified a watch-word among the ſouldiers in the campe, whereby they diſcerned their enimies, or ſpies, from their own fellowes, *Alex. ab Alexandro* giveth many examples hereof: *Auguſtus Cæſar* in his camp, gave for his watch-word *Venus genetrix*; *Pompeius magnus* gave for his, *Hercules invictus &c.* & this was called *Teſſera militaris*. 2ly. There was *Teſſera frumentaria*, a certaine ticket, or token given by the Magiſtrate unto the poor, at the tendring whereof, [p] at the beginning of every moneth, certain doles & meaſures of corn were given; it is evident that at firſt there were ſuch monthly diſtributions of corne, even by that endeavour of *Auguſtus*, who for the avoiding of trouble, would have reduced all to three ſet diſtributions in the yeere, but prevailed not: ſometimes in ſtead of corne, or happily over and above the corne, there were at certain times, doles of money given to the poore, which dole whoſoever received, tendred his token or bill of exchange, termed *Teſſera numiraria*; theſe two laſt acceptions, though they may be diſtinguiſhed, yet becauſe they both tended to the reliefe of the poore, I have joyned them together. Thirdly, there was *Teſſera hoſpitalis*, a certain token of wood, or ſuch like matter, which uſually was cut in two by thoſe who had engaged themſelves mutually to entertaine each other, whenſoever entertainment ſhould be craved, yea this wooden ticket or tally being mutually accepted, it was lawfull for their poſterity bringing this token, to challenge hoſpitality. Thus he in *Plautus*, having

A ex. lib. Alex. lib. 4. c. 2

p Sueton. Aug. cap. 40.

ving formerly used *Antidomus* as his host, after *Antidomus* his death, he cometh unto *Antidomus* his adopted sonne not doubting of entertainment: for saith he; *Deum hospitalem, ac tesseram mecum fero.* Hence from this custome, or tendring a token when hospitality should be craved, that adage hath been derived, *Tesseram hospitii confregit, id est,* he hath broken the league of hospitality. Lastly, *Tessera* signifieth a dye: where we must note that the word *alea*, which commonly is translated a dye, is a generall word, applyed equally both to the *Tesseræ*, and the *Tali*, to denote the uncertainty of both games: *Tessera* properly signifieth a dye; *Talus*, an huckle-bone, such wherewith children play Cockall. In determining the severall chaunces in these playes, authors are not only diverse, but in many things contrary each to other, neither can any certainty be gathered from their writings; whether my conjectures, drawn from comparing their severall and contrary writings, may give light for the right understanding of decayed knowledge herein, I shall willingly submit my selfe to the censure of the judicious. The severall chaunces which I read of are these, some arising from the number of the points in the dye, as *Senio*, *Monas*. More usually amongst the Græcians, [q] these two were termed Κῶος, & χίος: ὁ μὲν γὰρ χίος ἐδύνατο ἄν, ὁ δὲ Κῶος ἕξ, *id est, Chius*, answered our Ace; *Cous* our Dice. And this is confirmed by a proverbe in use amongst the *Græcians*; Κῶος πρὸς χίον, which the learned interpret to be a comparison of unequals; a Pygmie, with a gyant: others named from the number I read not of. Perhaps they played not with a single dye, but with three, as we use in passage, whence their chaunces might have their name, not from the number of points in each severall dye, but from them all being cast. But that the *Tesseræ* had points in them, appeareth by the testimony of [a] *Turnebus*: And hence *Numeri*, is sometimes used for *Tesseræ*;

Seu ludet numerosq; manu jactabit eburnos.

q Suid. in voce κῶος.

a Turneb. adv. l. 5. c. 6.

Ovid. 2. de Art. amand.

That they uſed more *Tali* in their playes, then they did *Teſſera*, [b] *Turnebus* obſerveth from that verſe,

[b] Turn. adv. lib. 6. cap. 10.

Non ſunt talorum numero par teſſera. Mart. 14. epig. 15.

[c] *Cœlius Rhodiginus* ſpeaketh more diſtinctly, ſaying that in their play they uſed three *Teſſera*, but four *Tali*. Theſe *Tali* were ſometimes called *Vulturii*, as appeareth by the ſame [d] *Rhodiginus*, and likewiſe *Reguli*. The reaſon of both is rendred by *Turnebus*, he being of opinion that theſe *Tali* had not points in them as the *Teſſera*, ſaith, *pro numeris effigies animalium habebant, ut vulturum, aut regulorum.* That they were termed *Vulturii*, is probable by that of *Plautus*,

[c] Cœl. Rhod. lib. 20. c. 27.

[d] Cœl. Rhod. lib. 20. c. 18.

[e] Turn. adv. lib. 5. cap. 6.

Tace parumper, jacit vulturios quatuor. Plaut. curcul. Act. 2. Sc. 3.

But that the cock-all bones ſhould be called *Reguli*, I ſomewhat doubt, for no queſtion but *Regulus* and *Baſilicus* in this place ſignified one and the ſame thing; the one being the *Latine*, the other the *Greek* word; now *Baſilicus* as ſhall preſently appeare, ſignified the whole chance. So confuſed are the opinions of Authors herein, that to aſſign the reaſon for every chaunces name, or to reduce every chaunce determinately, either to the *Teſſera* or the *Tali*, I think it impoſſible. Only ſome may be thus reduced, and in generall we may conceive probably which chaunces were fortunate, which unfortunate. The unfortunate chaunce in the *Tali*, was commonly called *Canis*, or *Canicula*, or *Chius*.

The moſt fortunate chaunce, *Venus* or *Baſilicus*. [f] *Lipſius* taketh them both for one, and that not without ground, if we compare *Horace*, and *Plautus*, both of them treating of that old cuſtome of throwing theſe cockall-bones at their feaſts, for the choice of their *Modiperator*, or maſter of the feaſt, which ſhould preſcribe lawes for drinking to the whole company.

[f] Lipſ. antiq. lect. l. 3. c. 1.

Venus arbitrium
Dicet bibendi. ſaith *Horace.*

Jacto

Jacto Basilicum, propino magnum poculum,

Saith *Plautus*, *eurcul*: and why may not this caſt be juſtly termed *Baſilicus*, ſeeing the *Moderator* hereby deſigned, was by the *Græcians*, not only called συμποσιάρχης, but alſo βασιλεὺς King, Prince, or cheife commander at the table. This caſt was then thought to be throwne, when all foure cockall-bones appeared not one like the other, but all with different faces, *Venus conſurgebat ex talis quatuor jactatis, ubi diverſam omnes oſtendiſſent faciem:* with whom accordeth [h] *Turnebus*; *Venus erat, cùm nullus eodem vultu ſtabat talus. Hercules* was alſo a lucky throw, but whether the ſame as *Venus*, I have not yet learned.

[g] Cœl. Rhod. lib. 20 c. 27.

[h] Turn. adv. lib. 5. cap. 6.

The games with the *Teſſeræ* I make no queſtion were divers: the ignorance of which, they being long ſince out of uſe, hath cauſed much obſcurity in this matter; one game there may ſeem to have been in uſe, where the juſt number of eight ſeemeth to have been the chiefe Caſt, it was called [i] *Steſichorius jactus*, or *Steſichorius numerus*. The reaſon is rendred by *Rhodiginus*, becauſe *Steſichorius* his tombe, erected at great charges for greater magnificence, *Ex octonis conſtabat omnibus, id eſt*, conſiſted of many eights; to wit, *eight angles*, or corners; *eight columnes*; *eight ſteps*, or grieces. In their common game, the moſt fortunate throw is thought to have been three Sices; we call it in Paſſage, a Royall Paſſe, whence it was commonly called *Senio*;

[i] Cœl. Rhod. lib. 20. c. 27.

——— *Quid dexter ſenio ferret*
Scire erat in votis, damnoſa canicula quantum
Raderet, anguſtæ collo non fallier orcæ. Perſ. Sat. 3

Which one place of *Perſius* giveth light to this in three things. Firſt, that the winning caſt was termed *Senio*; and if you make *Baſilicus* a term common both to dice & cockall-bones, as *Venus* is, we may fitly render it, a Royall paſſe. Secondly, the loſing caſt, *Canis* or *Canicula*, in Engliſh a Dogge-Chaunce. Thirdly the manner of their play, both in their Dice, & Cockall-bones, was by caſting them not immediately

diately out of their hand, but out of a diſh or narrow-mouthed veſſell, that there might be fair play, without ſtriking or cogging the dye; this veſſell *Perſius* calleth *Orea*, and deſcribeth it to have a narrow mouth, and a ſtreight neck. *Horace* applyeth it to the *Tali*, *Satyr. 7. l. 2.*

Mitteret in Pyrgum talos —

Calling it *Pyrgus*, uſing the greek word Πύργος a tower or ſteeple, ſo called from πῦρ fire, becauſe the form thereof, being *acuminata*, reſembleth the riſing of fire: the word intimateth *Horace* his *Pyrgus* to have been of the like forme with *Perſius* his *Orea*. But to return to the game, the chiefe caſt as I ſaid was thought to be when three Dices appeared: which opinion is ſtrengthened by that common proverbe; *Aut tres ſex, aut tres teſſeræ, id eſt,* either three Dices, or three Aces. And the firſt of theſe being the beſt, the other the worſt chaunce in the Dice, the proverb implyeth thus much, I will put all to the hazard, I will winne all or loſe all. This caſt was alſo called *Midas*: for as *Rhodiginus* ſpeaketh, *In Teſſerario ludo Midas jactus erat fortunatiſſimus*; with whom accordeth [l] *Dempſter*, proving it out of *Suidas*;

[l] Dempſt. antiq. Rom. l. 5. cap. 1. l.

Μίδας ὁ ἐν κύβοις ἄριστος.

Midas in teſſeris conſultor optimus.

This name ſignifieth the beſt chaunce, yet was not appropriated to the *Teſſera*, but ſometimes alſo ſignified the fortunateſt chance of the *Tali*. Likewiſe from that of *Mart*: *l.* 13. 1

Senio nec noſtrum cum canit quaſſat ebur.

[l] Eraſm. adag. Chius ad Couns.

It is noted by [l] *Eraſmus*, that as often as an Ace hapned to be thrown together with a Dice, ſo that *Senio* and *Canicula* appeared together at one throw, it was a loſing caſt. *Suetonius* is cleare in the proofe hereof, if for *Aut* we ſubſtitute *Et*, which unles we doe, it will be a matter of great difficulty, to make congruity of ſenſe. His words are, *Talis enim jactatis, ut quiſque Canem aut Senionem miſerat in ſingulos talos, ſingulos denarios in medium conferebat, quos tollebat univerſos qui Venerem jecerat.* Turne *aut* into *&*, the ſenſe is obvious.

Look

Look who threw an Ace and Trice together, for every dye he ſtaked and layed to the ſtake a Denere; which he took up and ſwooped all cleane, whoſe luck it was to throw *Venus*. *Euripides* as I take it was not a chaunce, but a kind of game, much reſembling that which is in uſe with us, called one and thirty: The number of that game was fourty, and the game called *Euripides*, becauſe *Euripides* was one of the Forty chiefe governours in *Athens*, when the thirty Tyrants were depoſed. The reaſon of my conjecture is taken from[n] *Rhodiginus* whoſe words are theſe: *Euripides numerum continebat quadragenarium, quoniam videtur unus fuiſſe Euripides præfectorum quadraginta, poſt triginta Tyrannos Athenis exactos.* From all we may note, that the *jactus pronus*, or *jactus plenus*, that is, the lucky caſt, we may Engliſh it Take all, was commonly called *Senio*, *Venus*, *Cous*: the *jactus ſupinus*, or *jactus inanis*, was likewiſe commonly knowne by no other name then *Canis*, *Canicula*, or *Chius*, we may Engliſh it Blank.

[n] Cœl. Rhod. lib. 20. c. 17.

[o] Some have delivered their mind touching theſe plaies thus; that the *Tali*, or cockall-bones had but four faces or ſides, and therefore yeelded four chaunces, and no more; the firſt is called *Canis*, or *Canicula*, or anſwering to our Ace, and it was the worſt of all; the oppoſite unto it they terme *Venus*, or *Cous*, and is accounted the beſt: *Merula* againſt ſence underſtandeth the number of ſeven by it; it may ſtand for our Trice. The third bore the name of *Chius*, proportioned to Creep with us: and the laſt *Senio*, which is as much as Quatre. For in theſe *Tali* there is no chaunce of Deux, or Cinque. This opinion at firſt I confeſſe ſeemed plauſible to me, but how fully it diſcovereth the game, and how agreeable it is to antiquity let others judge. The chaunces of the dice, or cockal bones, as they were termed *jactus & miſſus*, caſts, ſo alſo were they called[p] *Mauus*, figuratively, as every ſtroke in the fencing ſchoole was termed *Mauus*. The firſt acception of *Mauus*, is proved out of[q] *Suetonius*,

[o] Barthol. Merula in Ovid. de art. Amand. lib. 2.

[p] Lipſ. Satur. lib. 2. cap. 20.

[q] Suet. Aug. 71.

where *Augustus Cæsar* speaketh thus, *Si quas manus remisi cuiq́, exegissem, aut retinuissem quod cuiq́ donavi, vicissem, &c. id est*, If I had exacted those chaunces which I remitted every one, and kept that which I bestowed, I had gotten, &c. The second acception of *Manus* is confirmed by [r] *Quintilian*, who calleth the second, third, and fourth strokes in fencing, *secundas, tertias, & quartas manus*. Our English phrase is not much unlike; he hath had a good or bad, lucky or unlucky **hand**. Another game there was of like nature played with table-men: the word *Latrunculus* translated a table-man, did properly signify an hyred souldier, such a one as served for pay; whence *Latro*, whose diminutive *Latrunculus* is, hath his denomination [s] *à serviendo*. In this sense the word is used by [t] *Plautus*;

Nam rex Seleucus me opere oravit maximo,
Ut sibi latrones cogerem, & conscriberem.

Secondly, because souldiers are so prone, and apt to commit robberies, hence *Latro*, and *Latrunculus*, hath been used also to signify a theef or robber. And thirdly in a borrowed sense, these words are applied to signify table men or chess-men; because this game hath the expresse form and representation of a warre, or battle, fought between two armies: Insomuch that [u] *Pyrrhus* King of *Epire*, being skilfull in plotting stratagems, first taught his souldiers that art of projecting, by playes and representations thereof in the table-men. "Some are of opinion, that it was first invented in the siege of *Troy*, by *Palamedes*, who that he might keep his souldiers in better order, allowed them this kind of recreation, whence these chess-men are sometimes called *Palamedici calculi*: they were made sometimes of wax, sometimes of glasse, sometimes of other matter. The game seemeth to have been the very same with that which we call Chesse. Other games there were of lesser note for recreatiõ, of which sort were principally these that follow; *Petaurum, Discus, Pila, Trochus, Nuces*. Πέταυρον, from whence this latin word

Petaurum

[r] Quint lib. 5 cap. 14.

[s] Plaut. mil. glor. Act. 1. sce. 1.

[u] Donat. in Terent. Eun. Act. 4 Sc. 7. ad illud; Idem hoc jam Pyrrhus factitavit. [u] Suidas in voce πάλαι.

Petaurum cometh, ſignifying properly a perch or pole, on which poultry rouſt: and hence the rope or ſtaffe on which light perſons were wont to dance, and try maſteries, was termed *Petaurum*. It ſignified alſo a certain hoope, or wheel, through which active perſons would runne ſwiftly, their body ſo warily carried, that in their rūning they would not touch the hoop or wheel: to this purpoſe *Alex. Neoph.* ſpeaketh; [a] *Fuit quoq́, Petauri ludus admirationis præcipuæ, cum per circulos quiſpiam veloci curſu tranſolvat, corpore ita librato, ut circulum non offendat.* Such tumblers as were practized in this kind of activity were thence called *Petauriſtæ*. *Diſcus* was a round ſtone in manner of a bowle, ſometimes made of yron, or braſſe, whoſoever could caſt it fartheſt got the victory: the players thereat were called ἀκροβόλοι, from ἄκρος & βάλλω to dart, or caſt out any thing. *Pila*, it ſignifieth a ball, and of it there were many ſorts. 1 *Harpaſtum*; which we may Engliſh a *ſoot-ball*. [b] This ball being put down in the middle, two companies of young men ſtrove who ſhould drive it thorow the others goale. 2ly. *Pila*, which ſignified a diſtinct kind of ball, ſo called from the haire with which it was ſtuffed. 3ly. *Follis*, a light kind of ball, ſo called becauſe it was ſtuffed with a bladder: with this old men, and young children played. 4ly. *Paganica*, this had is name *à pagis*, from villages and country townes, where it was chiefly in uſe, it was ſtuffed with feathers: of all theſe *Mart.* 14, 45

Hac quæ difficilis turget paganica plumâ
Folle minùs laxa eſt, & minùs arcta pilâ.

Fiftly *Trigonalis*, and thus I think both the *Pila*, & the *Follis* were called, in oppoſition to the *Paganica*: the reaſon of the name is taken from the form of the tennis-courts, which becauſe they were three-ſquare, in manner of a triangle, [c] hence was the ball with which they played in ſuch courts termed *Trigonalis*. The players themſelves were termed *factores*; thoſe that did caſt the ball into the court, were called ſimply *datores*; and [d] hence *datatum ludere*, is to play at ball

[a] Alex. ab Alex. l. 3. c. 21.

[b] Alex ab Alex. ibid.

[c] Cœl. Rhod. lib. 2. cap. 18.

[d] Turneb. ad verſ. l 7 c. 4.

ball, or elſe we may imagine the reaſon of this phraſe to be, becauſe ſuch as in their play by negligence did let down the ball, did *ſuram dare*, hold out their leg, to have the ball flung at it. *Trochus*, it ſignifieth a top: as it was commonly called *Trochus* from τρέχω to runne; becauſe of the ſwiftnes thereof; and likewiſe *Turbo* in Latine, for the ſame reaſon; ſo ſometimes it was called *buxum*, from the matter whereof it was made, as

——*Buxum torquere flagello.* *Perſ. Sat. 3.*

Nuces, with nuts they had many playes, ſome of which are at this day in uſe. One holding an uncertaine number of nuts in his hand, his fellow that plaid with him, was to divine whether the number was even or odde. This *Horace* calleth

Ludere par impar——

The *Græcians* ζυγὰ καὶ ἄζυγα. Of this *Ovid. de nuce*,

Eſt etiam, par ſit numerus qui dicat, an impar:
Ut divinatas auferat augur opes.

Sometimes they piled their nuts, three beneath and one on the top, in manner of a Caſtle: of this *Ovid* ſpeaketh likewiſe,

Quatuor in nucibus non amplius alea tota eſt,
Cùm ſibi ſuppoſitis additur una tribus.

Yea, theſe nut-games were ſo many, and ſo peculiar to children, that ſtriplings growing into mans eſtate, were ſtill reputed children, untill they forſooke theſe nut ſports; whence *nucibus relictis* ſounds as much as childiſhnes being paſt: and this is thought to be the reaſon, why the [e] bride-man, as ſoone as he was married uſed to caſt nuts among the people; intimating thereby a farewell to ſuch childiſh paſtimes. Many other childiſh games they had, among which one reſembled our croſſe and pile: [f] they termed it *Capita vel navim*; becauſe the coyne which they fillipped or toſſed into the ayre, bore ſtamped on the one ſide *Janus* his two faces, on the other ſide a ſhip.

[e] Roſin ant. Rom. lib. 5. c. 27.

[f] Anton. Conſtant. in Ovid. Faſt. l. 1

CAP.

Cap. 14.

De mensis & conviviis Romanorum.

BEfore we proceed unto the description of the *Roman* tables, we will explain those five termes, *Jentaculum, Prandium, Merenda, Cœna, & Commessatio.* Which five words doe signifie the five several feedings each day, which children, old men, labourers, travellours, and such like, did usually observe; for others of healthier and stronger constitution did commôly eat but one meale, at the most but two in the day. *Jentaculum* signifieth their break-fast, and it had its name, like as our English word hath, *à jejunio*, from fasting: In former times it was called [a] *silatum* from *Sile*, the name of a certaine herb, with the root whereof they were wont to season that wine which they had at breakfast: for as [b] *Plutarch* saith, their break-fast was nothing but a sop dipped in wine. In the same place, he likewise saith, that in old time they had no dinner, but that which we call *Prandium*, was the same with them as *Jentaculum*, and thus much the Greek word ἄριστον signifying a dinner, doth intimate, it being so called, *quasi* ἀὔριστον, from ἀὔριον, which signifieth the morning. The name *Prandium*, which we render a dinner, was so said *quasi* πρὸ ἐνδίου, signifying noon-tide, or mid-day. The third time of taking meat, was called *Merenda*, we may englisht it our afternoones beaver: it was called also *Antecœnium*, because it was taken a little before supper. [c] *Merenda est cibus qui declinante die sumitur, quasi post meridiem edendus, & proximè cœnæ; unde & antecœnium à quibusdam dicitur.* The fourth time was their supper; called *cœna, quasi* κοινὴ, which signifieth as much as Common, [d] *quia antiquitùs seorsim solebant prandere Romani, cœnare cum amicis.* Their fift and last time of feeding, was called in Latin *Commessatio* by some, by most *Comessatio, à comedendo.* [e] *Jo-*

a Rosin. antiq. lib. 5. 27.

b Plut. in sym. lib. 8. q. 6.

c Just. Lipsius cent. 1. ep. 65

d Plut. sym. lib. 8. q. 6.

e In orat. pro M. Cœlio.

annes

annes Triſtinus ſaith, that it is a beaver taken after ſupper, or a night-drinking. But the chiefe feaſt, whereat they [f] gave entertainment, being their ſupper, we will conſider theſe three things therein. Firſt *accumbendi vel diſcumbendi rationem*, that is the manner of their lying at ſupper (for they did neither ſtand, nor ſit at table, as we do:) ſecondly, the forme and faſhion of their table; and laſtly the parts of their ſupper. The place where they ſupped was commonly called *Cœnaculum a cœna*, as our dining chamber is ſo called from our dinner. It was alſo called *Triclinium* or *Biclinium*, from κλίνη a bed: for ſometimes there were three beds, ſometimes but two about the table, upon which the gueſts did ſit, or rather lye along. In this dining parlour was placed a table, ſometimes made quite round, and for the common ſort of people it was made of ordinary wood, ſtanding upon three feet; but for men of better ranke, it was made of better timber, inlaid ſometimes with wood of divers colours, ſometimes with ſilver, and it ſtood upon one whole intire foot, made of Ivory, in the forme of a great lyon, or Leopard &c. Unto the meaner ſort of theſe tables *Horace* alludeth;

—— Modò ſit mihi menſa tripes. Hor. Ser. 13.

Unto the other, *Invenal. Sat.* 11. *verſ.* 122.

—— putere videntur
Unguenta atq; Roſæ, latos niſi ſuſtinet orbes
Grande ebur, & magno ſublimis pardus hiatu.

Sometimes this table was made in the forme of an halfe moone, the one part thereof being cut in with an arch or ſemicircle, and then it was called *Sigma*, becauſe it did much reſemble the letter *Sigma*, [g] which as it appeareth by certaine marble monuments, was in old time made like a *Roman* C. Hence is that of *Martial. lib.* 14. 87.

Accipe lunatâ ſcriptum teſtudine Sigma.

If any man ſhould demand the reaſon, why they cut their table in that forme, I muſt confeſs I have not read any reaſon in any author bearing ſhew of probability. My conjecture

[f] Lazius de repub Rom. l. 3. cap. 3.

[g] Rom antiq. l. 2. c. 28.

jecture is this; it is agreed upon by most authors, that in the round tables the one quarter was reserved void from guests that the waiters might have a convenient roome to attend: thereupon it seemeth not improbable unto me, that this crooked arch was made for the waiters. I acknowledge that this *Sigma* hath been translated diversly by divers writers, as it appeareth by *Lipsius* in the fore-quoted place. By some it hath been taken for the parlour, or supping chamber; so *Lipsius* in his *Antiquities*: by others for the supper or feast it selfe; so *Celius*. By *Lipsius* since it hath been thought a certain place, erected in the manner of a hemicycle, or halfe moone, against which they did place one continued bed, able to take six or seven guests. But *Brodæus* and *Ditmarus*, in my opinion, have more truly taken it for the table it selfe. About the table that was perfectly round, were placed three beds, covered with tapestrie, or some other kind of covering, according to the wealth and ability of the person: and thus

——*Strato discumbitur ostro*;

the beds being ready furnished, the guests lay downe in manner as followeth. Each bed contained three persons, sometimes foure, seldome or never more, except at their great and more solemne feasts. If one only lay upon the bed, then he rested the upper part of his body upon his left elbow the lower part lying at length upon the bed: but if many lay upon one bed, then the uppermost did lie at the beds head, laying his feet behind the second his back; the second rested his head in the others bosome, having a cushion put between, laying his feet behind the third's back; in like manner the third & fourth did lie. The number of the guests was not great, seldome times exceeding nine: whence *A. Gellius* [h] saith, that the number of the guests should begin with the *Graces*, and end with the *Muses*, that is, they must not be fewer then three, nor more then nine. This also hath been the reason of that adage, *Septem convivium, novem convitium*

[h] *A. Gel. noct. Att. l. 13. c. 11.* Tribus autnovem miscentur cyathis pocula commodis, qui musas amat impares, Ternos tercyathos attonitus petet Vates, tres prohibet supra Rixarum metuens tangere Gratia Nudis iuncta sororibus. *Hor. carm. l. 3. Od 19.* *Alex. Gen. dier. l. 5. c. 22.*

vitium faciunt. Heliogabalus seemeth to have been delighted with the number of eight, [k] whence he invited to supper *octo calvos, octo luscos, octo podagrosos, octo surdos, octo raucos, octo insigniter nigros, octo insigniter longos, octo præpingnes, & octo nasutos delectatus illo Græco proverbio,* ἀπαντοκτώ. Those that were not invited, but came of their own accord unto a feast without bidding, by *Plautus* they are called *Muscæ*, flyes; by others they are called *Umbræ*, shadowes. Hence is that of *Horace*,

k Stuckius de convi. l.4.c.2.

—*Locus est & pluribus umbris.*

The party which invited the guests, sometimes expressed his earnestnesse by pulling and haling one by the cloak: whence *Stuckius* observeth, that when they would shew how earnestly they were invited, they would say, *Penulam mihi scidit*; he tore my cloak off my shoulder. Again on the other side, when they would shew how easily the guest was intreated, they would say, *Illius ego vix tetigi penulam, tamen remansit*. Before the guests sate downe, their shooes were usually pluckt off, that they might not foule the beds on which they did lye; [l]

Terent. in Heautont.

Accurrunt servi, soleas detrahunt,
Video alios festinare lectos sternere, cœnam parare.

[m] They likewise did gird their heads with fillets and hairelaces, as often as they intended to drink more then ordinary, thereby to prevent the vapours, which otherwise would annoy the head: for which reason, they did likewise [n] use garlands of yvie, and mirrtle-tree, & roses; the coolenesse of which comforted the braine. These garlands were also *Symbolum plenæ libertatis*, a token of their full liberty. The carvre in these feasts, was called from his artificiall setting and ordering the dishes upon the table, *Structor*; & from his artificiall carviug and cutting up of the dish, *Carertor*. *Tryphaus*, as appeareth by *Iuven. Satyr.* 11. was famous for his skill in carving: he did set up a schoole, teaching such as came unto him by rules & precepts; & also shewing thē the manner

m Cœl. Rhod. l. 27. c. 26.

n Plin. 16. c. 1.

manner of carving: which that he might the better doe, he furnished a table with severall dishes of meat, formed and fashioned in wood, with a dull knife, shewing his schollers after what manner, and with what gesture of their body, they should cut up this or that dish. This supper because of the wooden dishes of meat, was called *Cœna ulmea.* They divided their supper usually into three parts, which they termed their first, second, & third course. In the first course commonly was served mulberries, lettices, sausages, and alwaies egges: as likewise in the last course (whether the second, or third) were served nuts, figs, grapes, but alwaies apples: [p] whence we say proverbially, *Ab ovo ad mala* from the beginning of the feast to the end; or simply from the beginning of any thing to the end thereof. The middle course was the maine supper, aud the chiefe dish thereof was called *Caput cœnæ:* In *Lipsius* his phrase, it is called [q] *Fundus & fundamentum cœnæ.* Their first messe they called the *proœmium*; the last, the *epilogue*; which because it consisted so much of sweet and delicious meats, hence did they apply that unto the second course, αἱ δεύτεραι φρονήσεις σοφώτεραι, *Secundæ cogitationes sunt sapientiores.* If the table were well furnished with plentie and variety of dishes, it was called *Cœna recta, or cœna dubia: Recta* in this place signifieth as much as *vera:* thus ὀρθὸς among the *Gracians*, sometimes signifieth *verus & sincerus.* The phrase intimateth, that it was a true supper, opposed to that dole of meat distributed by Princes to the people, which from the panier or basket in which it was brought, was called *sportula*: sometimes they distributed mony instead of meat, this also was named *sportula:* so that *sportula* denoted any kind of dole either of meat or mony, which as often as it was given in lieu of a supper, it was opposed to *cœna recta.* Yea sometimes by *sportula* we may understand a light and short supper,

Promissa est nobis sportula, recta data. Martial.

The reason why a great feast should be termed *cœna dubia,*

[o] Stuck de conv. l. 3. c. 3.

[p] Panciroll. lib. rer. deperdit. cap. de cibi capiendi modo.

[q] Stuck. lib. 3. de conviv.

[r] Turnob adv. lib. 5. cap. 10.

is, becauſe in ſuch variety of diſhes the gueſt is many times doubtfull of which to beginne. Contrary to this is *cœna ambulatoria*, a ſupper where one diſh walketh through the table.

LIB.

LIB. 3. SECT. 1.

Of the Roman *Aſſemblies.*

De Comitiis.

Ither-unto have wee inſiſted upon the deſcription of the moſt remarkable parts of the *Roman* Citie, together with the ſeverall diviſions of the *Roman* people, as alſo the *Roman* religion; where we have ſeen the generall diviſions of their Gods, and their ſacrifices, with their ceremonies thereunto belonging, & likewiſe of the *Roman* games both greater and leſſe. Now are we to proceed to that part of government, which is politicall or civill: where we will firſt ſpeak of their aſſemblies, called *Comitia*, then of their civill Magiſtrates, afterwards of their puniſhments, and laſtly of ſo many of their civill lawes as I have obſerved needfull for the underſtanding of *Tully*, and that principally in his Orations. For the more eaſie conceiving of all which I have prefixed one Chapter of the *Roman* yeare, treating there, of the *Calends*, *Ides*, and *Nones*, the knowledge of which is needfull for that which followeth.

CAP.

Cap. 1.

De Anno & partibus ejus.

INasmuch as there cannot be a full knowledge of the *Roman* assemblies, without some generall understanding of the *Roman* yeare, and the generall distinctions of the *Roman* daies, it cannot be but worth our labour in this short chapter briefly to consider what may be spoken therein. This word *Annus*, is so called *quasi Annulus*, because (as the Greek word Ἐνιαυτὸς signifieth) ἐν ἑαυτῷ εἶσι, *id est, in se convertitur annus:* which was the reason, why the Egyptians in their mysticall cyphers (called *literæ hieroglyphicæ*) did use the picture of a serpent, having his taile in his mouth, to signifie an yeere. The time or space of this yeere hath been diverse, according to the diversitie of nations. [a] Some allowed no more daies to an yeare, then we doe to a moneth: whence that monethly space which the *Latines* called *Mensis* from [b] μὴν, signifying the Moone, they called *Annum Lunarem.* Some allowed foure moneths, some six moneths, some ten. And thus *Romulus* measured his yeare, counting the moneths either from the number of our fingers, or from the time that a woman goeth with child, or from the time that a widow commonly mourned for her husbands death, or lastly from the multiplication of unities, which in a simple number doth not exceed ten.

[a] Vid. Plin. l. 7. cap. 48.

[b] Paulus Mar. in Ovid. Fast. lib. 1.

Quod satis est utero matris dum prodeat infans,
Hoc anno statuit temporis esse satis.
Per totidem menses à funere conjugis uxor
Sustinet in viduâ tristia signa domo. Ovid. Fast. lib. 1.
Annus erat, decimum cùm Luna receperat orbem,
Hic numerus magno tunc in honore fuit:
Seu quia tot digiti per quos numerare solemus,
Seu quia bis quino fœmina mense parit,

Seu

Seu quòd ad uſq; decem numero creſcente venimus,
Principium ſpatiis ſumitur inde novis. Ovid. Faſt. lib. 3.

Thus *Romulus* his yeare contained of months ten; of dayes 304. But after this *Numa* added two months.

At Numa nec Janum, nec avitas præterit umbras,
Menſibus antiquis addidit ille duos. Ovid. lib. 1. Faſt.

Numa, [c] or as ſome ſay, *Tarquinius Priſcus* perceiving that the months did not alwaies fall out alike every yeare, but ſometimes the ſame moneth would happen in the ſummer, ſometimes in the winter, thereupon after long ſtudy & many inſtructions from the *Grecians*, finding the reaſon of this confuſedneſs, he added unto *Romulus* his yeare fifty dayes, ſo that the whole yeare afterward was divided into twelve months, becauſe the moone had finiſhed her courſe twelve times in that ſpace, beginning their yeare then at January, becauſe then in his judgement was the fitteſt time to begin the yeare, when the Sun being fartheſt from us, did beginne to turne his courſe, and to come unto us againe; which is about January, the Sunne being about the Tropick of Capricorne. Afterward upon a ſuperſtitious conceit of the odde number, *Numa* added one day more unto January, ſo that whereas at the firſt *Numa* his yeare did agree with the *Grecian* yeare, both of them containing three hundred fifty foure dayes, now the *Roman* year contained three hundred fifty five dayes, which computation falling out too ſhort for the true yeare by the ſpace of ten dayes, and ſix houres yearly, it occaſioned every eighth, year in the interpoſition of 3. whole months, which they called their leap yeare. This confuſedneſs afterward *Julius Cæſar* by long ſtudy remedied, adding the old ten dayes unto *Numa Pompilius* his year. And leſt the odde ſix houres might at laſt breed diſorder in their computation, he appointed that every fourth year one whole day ſhould be inſerted, next after the three & twentieth of February; wch inſerting they called *Intercalatio* from an old verb *Intercalo*, and that day they called *Intercalarem:*

[c] Vid. Georg. Merulam. in orat. pro Q. Ligario.

[d] G. Merula in orat. pro Q. Ligario.

Now the day following, being the foure and twentieth of February, was alwaies the ſixt of the Kalends of March, and therefore becauſe of the interpoſition of that day, they called the leap-year *Annum biſſextilem*, that is, the year wherein there falled out two dayes which they called *Sext: Cal: Martii*. And the day thus interpoſed was called *dies biſſextus*. This computation, which *Julius Cæſar* found out, we have imbraced, and do at this day follow, calling our yeare *Annum Julianum*, and *Annum magnum*, having relation to the monthly yeare called *Annus Lunaris*; & ſometimes this great yeare is called *Annus vertens, a vertendo*, becauſe it is alwayes turning, and running on. † Moreover we muſt remember that the *Romans* did begin their yeare at March; whence that month, which ſince hath been called *Julius*, in the honour of *Julius Cæſar*, was by them called *Quintilis*, becauſe it was the fift month: and that month, which ſince hath been called *Auguſtus*, in the remembrance of *Auguſtus Cæſar*, was by them called *Sextilis*, becauſe it was their ſixt month. Thus then the great yeare being divided into twelve months, every month was divided into three parts, *id eſt, Calendas, Nonas*, and *Idus*. The *Kalends* were ſo proper unto the *Romans*, that ‖ *Auguſtus Cæſar*, when he purpoſed never to do what he was requeſted, was wont by way of proverb to ſay, that he would do it *Ad Calendas Græcas*, that is to ſay in our Engliſh proverb, At Litter Lammas, never. For the better underſtanding of which, I ſhall inſert three common verſes.

Principium menſis noſtri dixêre Calendas:
Sex Maius Nonas, October, Julius, & Mars,
Quatuor at reliqui: tenet Idus quilibet octo.

That is, the firſt day of every month is called the Kalends of that month. The 2. 3. 4. 5. 6. and 7. of theſe foure months, May, October, July, and March, were called the Nones of that month: but in all the other months the Nones contained but the 2. 3. 4 and 5, day: ſo that the 5. day (for example ſake

e G. Merula in orat. pro Q. Ligar.

f Roſin. ant. Rom. lib. 4.

† Hubert. l. 3. epiſt. fam. 18.

‖ Suet. Octav. Aug. cap. 87.

ſake) of January was called *Nona Januaria*, or *Januarij*; the fourth *Pridie Nonarum*, or *Nonas Jan:* (For they uſed alwayes to ſay *Pridie Cal: Pridie Nonar:* and *Pridie Iduum:* inſtead of *ſecundo Cal: Non: Id.*) The third day of January they called *tertium Nonarum, vel Nonas Januar:* the ſecond day of January they called *quartum Nonarum, vel Nonas Januar:* After the Nones followed the Ides, which contained eight dayes in every month, ſo that the 15th day of the four aforeſaid months, was called *Idus Maii, Idus Octob. Idus Julii*, and *Idus Martii.* In all the other months, the 13th day was the Ides: as to proceed in January, the thirteenth day was called *Idus Januar*: the twelfth *Pridie Iduum, vel Idus Januar:* the eleventh *tertio Iduum*, or *Idus Jan:* the tenth *quarto Iduum, vel Idus Jan:* the ninth 5° *Id: Jan:* the eight 6° *Id: Jan:* the ſeaventh 7° *Id: Jan:* the ſixt 8° *Id: Jan:* After the Ides then followed the Kalends of the next month. As the fourteenth of January was *decimo nono Calendarum*, or *Calendas Februar*: the fifteenth *decimo octavo Calend. Febr:* the ſixteenth *decimo ſeptimo Cal: Feb: &c.* Where we muſt note that as often as we uſe *Pridie, tertio, quarto*, or any of thoſe numerals with an accuſative caſe, as *Pridie Calendas, &c.* the *Grammarians* ſay that this præpoſition *Ante* is eclipſed. Againe every month had in it's compaſs three great markets, which becauſe they were obſerved every ninth day were called *Nundinæ*, & the latter of them being the greateſt is called by *Athenæus* τριτη ἀγυρις, which we may render *Trinundinum*, or *Trinum nundinum.* It followeth now that I ſhould treat of the dayes, which are the leſſer parts of the year: where before we proceed, we will conſider the parts which the *Romans* divided their day into.

Dies Civilis continet

Lucem, cujus partes sunt

Diluculum. The breake of day.
Mane. The full morning.
Ad meridiem. The fore-noone.
Meridies quasi Meridet, Mid-day, or *quasi Merus dies.* Perfect day, noone.
De Meridie. After noone.
Solis occasus. Sunne setting.

Noctem, cujus partes sunt

Crepusculum. The Duske of the evening.
Prima fax. Candle tinding.
Vesper. The night.
Concubium. Bed-time.
Nox intempesta. The first sleep.
Ad mediam noctem. Towards mid-night.
Media nox. Mid-night.
De media nocte. A little after mid-night.
Gallicinium. Cock-crowing.
Canticinium. All the time from cock-crowing to the break of day.

The day and night again were each of them divided into *primam, secundam, tertiam, & quartam vigiliam*, every watch containing three houres. The first of the night being at six of the clock in the evening, and the fourth ended at six of the clock in the morning. [g] These watches were distinguished by severall notes and sounds of Cornets, or Trumpets, that by the distinction and diversity thereof, it might easily be knowne what watch was sounded. Moreover we must understand that the *Romans*, upon a superstitious conceit & observation of misfortunes, and evill events falling out on some dayes, and more happy success upon others, have called the former sort of dayes *Atros dies*, or *dies postriduanos, & Ægyptiacos: a quo etiam Graci nuncupant, perinde ac si nefandos dicas.* The reason why they were called *Postriduani*, was because they thought *Dies Postridie Calendas, Nonas, & Idus, id est*, The next day after the Calends, Nones, or Ides of every month to be unfortunate, & the latter sort they called *Albos*

[g] Alex. Gen. lib. 1 cap. 12.

Albos dies, [q] borrowing the names from the *Scythians*, who used to chalke out the fortunate dayes in their Kalenders with white Characters, whence *Horace* saith:

Cressa ne careat pulchra dies nota.

Other-some, as their unfortunate and unluckly dayes, were noted with a cole or blak Character, according to that,

——Nigro carbone notatus.

Againe their Kalender distinguished some dayes for Holy-dayes, which they called *Dies festos*, festivall dayes, or *dies Feriatos, & Ferias*, Holy-dayes, because they did upon such dayes *Ferire victimas, id est*, offer up sacrifices. Others were distinguished for working dayes, which they called *Profestos, quasi procul à festis.* The third distinction was of halfe holy-dayes, which *ab intercidendo*, they called *Dies intercisos*, as it were dayes cut asunder: the one part of them being allotted for worldly businesse, the other for holy and religious exercises. [r] The *feria* were either *privata*, and so they belonged sometime to whole families, as *Familiæ Claudiæ, Æmiliæ, Juliæ, &c.* sometimes to private persons, as every one his birth-day, particular expiations, &c. or else they were *Publicæ*, such as the whole common-wealth did observe: and they were of two sorts, and one called *Anniversariæ*, which were alwayes to be kept on a certaine day, [l] and thereupon they were called *feriæ stativæ*; the other *conceptivæ*, which were arbitrary, & solemnized upon such dayes as the Magistrates and Priests thought most expedient, whereof the *Latinæ Feriæ* were chiefe: which *Latinæ feriæ* were kept on mount *Albane* to *Jupiter Latiar*, for the preservation of all the Latine people in league and confederacy with the *Romans*, & were solemnized in memory of the truce between those two nations. Those *Feriæ* which were called *Imperativæ*, and [m] *Indictivæ*, (because the *Consul, Prætor*, or chief Pontify, according to their pleasure *imperabant, & indicebant hoc, id est*, commanded them,) may in my opinion be contained under the number of *Feriæ conceptivæ*, in respect of the uncertain-

q Vid. Erasm. Adag. unione signare.

i Ascensus. in epist. 3 illust. vir. lib. 2.

k Rosi. ant. lib. 4. cap. 3.

l Alex. Gen. dier. l. 5. c. 7.

m Alex. Gen. dier. 6. c. 7. Serv. Æneid. lib. 12.

certainty of them. Another distinction of dayes is found in the *Roman Kalendar*, to have been in *Fastos*, whole court or leet-dayes; *Ex parte Fastos*, halfe court-dayes; *Nefastos*, Non-leet dayes; though this word *Nefastos* be often expounded unlucky, as in that of [o] *Horace* touching the tree, *Ille & nefasto te posuit die*, that is he planted thee in an unhappy time. These dayes were called *à fando*, from speaking; because upon those dayes wch were *Fasti*, the *Prator* or L. chiefe Justice might lawfully keep court and administer justice, which was not done without the speaking of these three words, *Do*, *Dico*, and *Addico*; [p] *Dabat actionem*; *Dicebat jus*; *Addicebat tam res quam homines*. Where by the way we must note, that sometimes these court-dayes were also called *dies comitiales*, because that [q] upon every such day which was noted in the Kalendar for a comitiall day, if the publique assemblyes were not held, it was lawfull to keep court: whence not only *comitialis dies* doth signify a law-day, but *comitialis homo* also doth signify a wrangler in the law, or a litigious person.

o Carminum l. 2. Ode 13.

p Joach. Camerar. pro Flacco.

q Berſman. in ſuis annot. in Rom. Calen. ad finem, Ov. Faſt.

Cap. 2.

De Comitiis idq; Calatis præcipuè, de Rogationibus, & antiquâ ſcribendi ratione.

EVery assembly of all the *Roman* people being called together by a lawfull Magistrate to determine any matter by way of giving voyces, is *à coeundo* termed *Comitia* simply, without the adjection of any other word; or *Comitia calata*, that is assemblies called together, from καλέω or the obsolete Latine verb *Calo*, which signifieth to call: though afterward those assemblies only, which were held either for the inaugurating of some Pontify, some *Augur*, some *Flamen*, or him that was called *Rex ſacrorum*, or for the making of their wills and testaments, were called *Calata comitia*. Whence

Whence the will that was made in theſe aſſemblies was called *Teſtamentum calatis comitiis*, This kind of aſſembly is ſometimes called *comitia pontificia*, and *comitia ſacerdotum*, in that ſence as others are called *Conſularia*, or *Ædilitia comitia*; namely becauſe the Pontifies in theſe, as the *Conſuls* & *Ædiles plebis* in the others, were choſen. There followeth three other kinds of aſſemblies: for either the people did aſſemble themſelves by pariſhes, called *Curiæ*; or by hundreds, called *Centuriæ*; or by wards called *Tribus*. The firſt ſort of aſſemblies they called *comitia Curiata*, the ſecond *comitia Centuriata*, the laſt *comitia Tributa*. [b] Where by the way we muſt note, that that thing which was determined by the *major* part in any pariſh, hundred, or ward, was ſaid to be determined by that whole pariſh, hundred, or ward: and that which was determined by the *major* part of pariſhes, hundreds, or wards, was ſaid to be approved *comitiis Curiatis, Centuriatis, vel Tributis*. Secondly we muſt note, that neither children untill they were ſeventeene yeares old, nor old men after the ſixtieth year of their age, were allowed to ſuffrage in theſe aſſemblies, whence roſe that adage, *Sexagenarii de ponte dejiciendi*, [c] & old men were hence called *Depontani*, for the explication of which ſee before. Here before we ſpeak of thoſe three ſeverall kindes of aſſemblies, we will conſider the manner of their proceedings in propounding caſes unto the aſſemblies. [d] The cuſtome was at firſt, that the *Romans* ſhould beſtow their ſuffrages *Viva voce*, but afterward that every one might with freer liberty give his voice, they commanded certain wooden tables, wherein the names of thoſe that ſtood for offices were written, to be carried about, every ſuffrager receiving ſo many tables as there were ſuitors, then did the people give back that table with whom they would ſuffrage. But if a law were to be enacted, then every ſuffrager received two tables, in the one of which were written theſe two great letters V.R in the other was written a great *Roman* A. thoſe who delivered theſe tables unto the

[a] Joan. Triſti. nus in orat. pro Cœlio.

[b] Sigon. de jure Rom. lib. 1. cap. 17.

[c] Pars putat ut ferrent juvenes ſuffragia ſoli: Pontibus infirmos præcipitaſſe ſenes. Ov. Faſt d Philip. Beroaldus in orat. Phil. 11.

the people did ſtand at the lower end of thoſe bridges (w were erected up for the ſuffragers to aſcend unto the *ovilia*) whence they were called *à diribendo, id eſt*, from diſtributing *Diribitores*. At the other end of the bridges were placed certaine cheſts or little coffers, into w^h the ſuffragers which did approve the law did caſt in the firſt table, thoſe that diſliked it, did caſt in the ſecond; for by thoſe two letters V. R. which were written in the firſt, is meant *Uti rogas*. i. Be it as thou haſt asked, this word *fiat* being underſtood; By A. in the ſecond table was meant *Antiquo, id eſt*, I forbid it, the word ſignifying as much as *antiquam volo*, I like the old law, I love no innovations. The tables being thus caſt into the cheſts certain men appoined for that purpoſe in manner of Scrutators (they called them *Cuſtodes* and ſometimes *Nongenti*) did take the tables out of the cheſts, & ſo number the voyces by making ſo many points or pricks in a void table, as they found tables alike: which kind of accounting occaſioned theſe and the like phraſes; *Suffragiorum puncta non tulit ſeptem*, and *Omne tulit punctum*; where *punctum* is uſed for *ſuffragium*; the voices being thus numbred, is was pronounced by the common cryer what was decreed. Becauſe the uſe of thoſe tables is now growne quite out of uſe, I ſhall make bold to inſert that, which with much labour I have collected out of ſeverall authors touching theſe tables. It is certaine that a long time the uſe of paper was not knowne, whence men were wont to write ſometimes upon the inward rindes of trees, called in Latine *Libri* (ſo that to this day we call our books *Libri*, becauſe in old time they were made of thoſe rindes of trees,) ſometimes they did write in great leaves made of that ruſh *Papirus*, growing in Ægypt, from which we have derived our Engliſh word Paper and the Latin word *Papirus*, now ſignifying our writing paper. Shortly after the invention of this Ægyptian paper, *Ptolomy* the King of Ægypt reſtrained the common making thereof, becauſe of the great emulation between him and *Eumenes* King of *Pergamus* concer-

c Plin. lib. 33. cap. 2.

d Plin. lib 13. cap. 11.

concerning their libraries; not long after therefore *Eumenes* having found out the making of parchment, he made uſe thereof in writing and called it from the place *Pergamena*. At this time did the *Romans* uſe to write in tables of wood, covered with wax, called in latin *cerate tabulæ*. They wrot their wils and teſtaments in tables, [b] *Hinc ſecundum & contra tabulas bonorum poſſeſſio*; The poſſeſſion of goods either according or againſt the teſtator his will. Becauſe of the wax wherewith theſe tables were covered, *cera* is often uſed in the ſame ſence, as *Hæredes primæ cereæ, id eſt, primæ tabulæ, & in primo gradu inſtituti*, by which words I think are underſtood ſuch heires as [c] *Alexander* calleth *Hæredes ex toto aſſe*, that is, heires to the main inheritance, oppoſing them to thoſe which did receive only legacies, whom he calleth there *Hæredes in imâ cerâ, ſecundos hæredes, & legatarios*. [d] *Sylvius* not upon improbable grounds doth think, that *Tully* doth underſtand by *Hæredes ſecundi*, ſuch heires as were nominated to ſucceed the chiefe heire or heires if they died. They wrot their accounts in tables, hence *tabulæ accepti & expenſi*, ſignifying reckning-books. Theſe count-books were of [e] two ſorts, ſome monthly without order or method called *Adverſaria*; *Quòd adversâ parte etiam ſcriptis implerentur*. Others perpetuall, being the tranſcript of the former, called *Tabulæ accepti & expenſi*. They wrot their ſtatutes alſo in Tables, whence *Tabulæ publicæ*, are engliſhed ſtatute books, or other books of record. Thoſe writings or inſtruments which the Senate or Emperour cauſed to be hanged up in the market place, to releaſe and diſcharge any bankrupt frō paying his debts, they termed *tabulas novas*, we may engliſh them letters of protection. They wrote their inventories of goods ſet at ſale in tables, calling them *tabulas auctionarias*: yea they indited their epiſtles & common letters in tables; inſomuch that *tabellæ* are expounded miſſive letters, and *tabellarius* which properly ſignifieth a carrier of tables, is now uſed to ſignifie a letter carrier; yet

[b] P Pellitar. in orat. pro A. Cœcinna.

[c] Alex. Gen. dier. l. 1. c. 1.

[d] Fr Sylvius pro Cluentio.

[e] Cœl. Rhod. lib. 12. c. 21.

Fr Sylv. in orat. Catilin.

they [g] ſometimes wrought alſo in plates of lead, εἰς ἐλασμὰς μολύβδου χαράσσοντες. And thus we may underſtand what [h] *Suetonius* meaneth by *charta plumbea*. Concerning all theſe *Pliny* writeth excellently. Before the uſe and making of paper was invented, men wrot at firſt in palme tree leaves, afterwards in the rindes of certaine trees, afterward publike monuments were recorded in volumes or roles of lead, at laſt private matters on fine linnen or wax. [k] The manner how they ſealed their letters was thus: they did binde another table unto that wherein the inditement was, with ſome ſtrong thread, ſealing the knot of that thread with wax, whence *Cicro* ſaith. *Linum inſcidimus*, that is we opened the letters, hence alſo is that of *Plautus*, *Cedo tu ceram ac linum: age, obliga, obſigna cito.* [l] The impreſſion was commóly their owne image or the image of ſome of their anceſtors. The matter on which the impreſſion was made, was not alwaies wax, but ſometimes a kinde of tempred chaulke, which occaſioned that phraſe of *Tullies*, [m] *Signum ille animadverit in cretula.* [n] Laſtly they wrote their books in tables, whence from them we doe at this day call our books *codices à caudicibus*, *caudex* ſignifying properly the trunck or ſtock of a tree, whereof theſe tables or books were made. We muſt note withall that they wrote not with ink or quil, but with an inſtrument of ſteele, or yron, having [o] a ſharp point at the one end, and being broad, yet keen & well edged at the other, with the ſharp point, they did write what they pleaſed, with the broad end they did ſcrape out what they had written: Whence *Stylum invertere* is to ſay & unſay a thing, to turne his punch the wrong end downward, as as it were to ſcrape out that which one had formerly writtē. The *Romans* did afterward uſe inſtead thereof, an inſtrument made of bone, prohibiting the uſe of yron ones, as [p] *Iſidor* noteth by that law, *Ceram ferro ne cœdito*. And as we uſe this word *Manus* to ſignify the writing it ſelfe, according to that of [q] *Tully*, *cognovit manum, & ſignum ſuum:*

ſo

[g] Suidas in voce μολύβδου χαράσσοντες.
[h] Suet Nero.
[i] Plin. l. 13. cap. 11.
[k] Fr. Sylv. in orat. Catil. 3.
[l] Juſt. Lipſ. ep inſt. c. 4
[m] Cic. 4. in Verrem.
[n] P. Pellitar. in orat. pro A. Cœcinna.
[o] Vid. Eraſm. Adag.
[p] Herman. Hugo de prima ſcrib. orig. cap. 9.
[q] Cic orat. cont. Catil.

ſo in the like ſenſe we uſe this word *Stylus*, to ſignify the peculiar tenure or ſtrain of phraſe, which any man obſerveth in the compoſing of an oration, epiſtle, or ſuch like; in which ſence *Tully* uſeth it, as the antitheton to *gladius*, in that ſpeech of his, *Cedat forum caſtris, otium militiæ, ſtylus gladio*, though in another place he uſeth it to ſignify, if not a ſword, yet a pocket dagger, as *Etſi mens ille ſtylus fuiſſet*; in which place *Stylus* doth ſignify as much as *pugio*. And here ſeeing we are fallen into the manner and cuſtome of ancient writing it will not be amiſs to note that uſually at the end of their books they printed a little mark, which they termed *Coronis*. Thoſe that interpret *Ariſtophanes*, deſcribe that mark thus, ſaying that it is [t] *Linea brevis ab inferiore parte flexa*. All agree in this, that it was ſome common and known daſh, uſually ſubjoyned to the end of books. [u] Others are of opinion that the ancient *Romans* did in like manner adorne the frontiſpice, or beginning of their books, with the picture of an half Moon; which obſervation giveth light not only to that adage, ἀπὸ τῆς ἀρχῆς μέχρι τῶν κεράτων, from the beginning to the ending, but alſo that of *Martial. lib.* 10.

Si nimius videor, ſeraq; coronide longus
Eſſe liber, legite panca, libellus ero.

And of *Ovid*,

Candida nec nigrâ cornua fronte geras.

For in *Turnebus* his judgement thoſe half moones prefixed, were called *Cornua*. Howſoever this may be true touching the daſh, or character at the end of a booke, and that it was termed *Coronis*: yet I doubt whether any ſuch halfe moone was uſually præfixed in the beginning of books, or whether ſuch an halfe moone were denoted by the Latin word *Cornu*. More probable is his opinion, * who treating of this very matter, ſaith that in old time a whole book was writtē in one continued page, neither did they then cut their books into many leaves, & binde them up in that manner as we doe; but that one entire page in which alone the whole book was

[f] Cic. orat. pro Muræn. Mic. Oxita in orat. Phil. 2.

[t] Cœl. Rhod. l. 15. cap. 20.

[u] Turn. adv. l. 22 cap. 10.

* Pyr hierog. lib. 34.

written, was wont to be rolled up upon a staffe, fastned at the end thereof, in manner as many large maps are now adayes with us; Hence it is *à volvendo*, that we call our books *volumina*, Volumes. This staffe on which the book is rolled was called *Umbilicus*; the same word signifieth a navill, which because it is the middle part, & as it were the centre of a mans body, hence approved Authors use the word to signify the middle of any thing; and happily that name was first given this staffe, because when the booke was rolled up, the staffe was the middle thereof: howsoever because it was fastned alwayes at the end of the page, hence *Umbilicus*, especially whē it is applied to a book, signifieth the end thereof, as *Horace*, *Ad umbilicum ducere*, to bring to an end. The two pummels, or ends of this staffe, which did jut out & appeare on each side of the volume, they called *Cornua*; & they were wont to be tipt with silver, or gold, or otherwise adorned. The title which was the beginning of every book, was termed *frons*. This seemeth more probable then that of *Turnebus*, and giveth greater light to that of *Ovid*,

Candida nec nigrâ cornua fronte geras.

Now that we may proceed to the matter whence we have digressed, it remaineth that we should declare the manner how they enacted their laws. All the *Romans*, though free Citizens, had not power & authority of preferring the law, but only eight of their Magistrats, which they called *Magistratus Majores*, namely the *Prætor*, the *Consuls*, the *Dictator*, the *Interrex*, the *Decemviri*, the *military Tribunes*, the *Kings*, and those *Triumviri*, unto these eight was added one of those whom they entitled *Magistratus Minores*, namely the *Tribunus plebis*. If any of these Magistrates thought it fit to prefer a law, then did he first write it down at home, and consult with some lawyer, whether or no it might be for the good of the Common-wealth, whether it should not weaken any former law, or whether it was not formerly included in some other law, &c. These and many other

other cautions were to be conſidered before it was preferred, yea ſome would have the approbation of the whole Senate after the advice of their lawyer, though divers time, that hath been omited, and the lawyer alone allowing it the law was hanged out publikely in the market place for the ſpace of three market dayes, which kind of publiſhing the law was termed, *Legis promulgatio, quaſi provulgatio*, during which time of promulgation, reaſons were alleged *pro* and *con* by the ſpectators, & all the people had ſo much time to concult of the conveniency thereof, and every one upon juſt reaſon had free liberty to admoniſh him that preferred the law, either to amend it, or to ſurceaſe the propoſall. After the third market day (for unleſs it were upon an extraordinary occaſion, no aſſembly might be called upon a market day, becauſe of the country folkes buſineſſes, they alſo having freedome of ſuffraging) the Magiſtrate did convocate the people to that place where the law was to be propoſed: there the Towne cleark, or Notary, reading the law, the common crier proclamed it; then did he which promulged it, make an Oration unto the people, perſwading them that it might paſſe. Sometimes others of his friends would ſecond him with Orations in his behalfe, as likewiſe others that diſliked it, would by Orations diſſwade the people, ſhewing the inconveniency thereof. After the Orations had been ended, an urne or pitcher was brought unto certain Prieſts there preſent, into which were caſt the names of the Tribes, if the *Comitia* were *Tributa*; or of the Centuries, if they were *Centuriata*; of the Pariſhes, if *Curiata*: then *ſortibus æquatis*, that is, the lots being ſhaken together, they drew their lots; & that Tribe or Century whoſe name was firſt drawn, was called *Tribus, vel Centuria prærogativa, à prærogando*, becauſe they were firſt asked their voices. *Turnebus*, interpreting that of *Tully, Maiores voluerunt prærogativam omen eſſe juſtorum comitiorum*, interprets it, That the *Romans* did ſo depend upon the prerogative Century,

that they would alwaies declare him Conſull that was choſen by them. *Turneb. adv. l. 5. c. 23.* That *Curia* upon which the firſt lot fell, was called [q] *Principium*, becauſe that *Curia* did firſt ſuffrage: thoſe Tribes upon whom the other lots fel; namely the ſecond, third, fourth, &c. were termed *Tribus Jure vocatæ*. From this diſtinction it is, that ſuch a mā as hath the voices of the prerogative Tribe, or Century, is ſaid to have [r] *Omen prærogativum*: which good fortune whoſoever could attain unto, was in great hope of obtaining the other voices of the *Jure vocatæ*; for they never, or very ſeldome would ſwerve from the determination of the prerogative Tribe, or Century. Whiles the people were buſie in their lottery, in the mean time if any [s] Tribune of the Commons would *intercedere*, that is forbid the proceeding, he might be heard, and the whole aſſembly thereupon ſhould be diſmiſſed; likewiſe they were diſmiſſed if either he which firſt promulged the law did alter his opinion, or if the *Conſull* commanded ſupplications to be offered up in the behalfe of their Emperor, or any of thoſe holy dayes called *Feriæ Latinæ, vel Imperatoriæ* to be obſerved upon that day; or if any of the people aſſembled were taken with the falling ſickneſs (by reaſon whereof that diſeaſe is called by the [t] Phyſicians at this day *Morbus comitialis.*) Laſtly the aſſemblies were diſſolved by reaſon of the ſoothſayings, which kinde of diſſolution was cauſed either by the civill Magiſtrate his obſerving of ſignes and tokens in the heaven, and that was called *Spectio*, and ſometimes *de cœlo obſervatio*; the very act of this obſervation, though no unlucky token did appeare, diſſolved the aſſembly: or elſe it was cauſed by the *Augures*, and civill Magiſtrate promiſcuouſly, whenſoever any civill token was ſeen or heard, either by the Magiſtrate, or Augure (amongſt which thunder was alwaies counted the unluckieſt;) at which time the aſſemblies were in like manner to be diſſolved. This manner of diſſolution was termed *Obnunciatio*, or *Nunciatio*, [u] *Obnunciabat, qui contra auſpicia cliqua*

[q] Rosin. ant. lib. 6. cap. 7.

[r] Cic. pro Muræn.

[s] Huber. in lib. 1. Cic. ep. fam. 2.

[t] Fuchſii inſt. medicin. l. 3. ſect. 1.

[u] Stadius in Flor. l. 3. c. 7.

fieri

ficri nunciabat. Both these kindes are easie to be collected out of that speech in *Tully*, [x] *Nos Augures nunciationem solam habemus, Consules & reliqui magistratus etiam spectionem.* Here we may fitly in way of conclusion unto this tract adde a just difference to be observed between these phrases, *Promulgare, Rogare, Ferre, & Figere legem. Promulgare legem,* was to hang up a law not yet asked, to the publike view of the people, to be examined by them touching the conveniency thereof. *Rogare legem,* was to use a certain oration unto the people, to perswade the conveniency of the law; which Oration because it began with this forme of words, *Velitis jubeatisve Quirites?* that is, O ye Romans, is it your will & pleasure that this law shall passe or no? Hence was it termed *Legis rogatio. Ferre legem,* was when the law had been approved of by the people, then to write it down upon record, and so to lay it up in the treasure-house; [y] *Cùm approbata fuisset lex, in æs incidebatur, & in ærario condebatur, & tunc demum lata dicebatur.* Lastly, *Figere legem,* was to publish the law after it had been approved and recorded [z] by hanging it up in tables of brasse in their market places, or at their Church doores. Hence it is that we use [a] *Tabulam figere* in the same sense, namely to enact or establish a law, & *Refigere legem,* to disprove or cancell a law. [b] And that which was determined *Comitiis curiatis,* was termed *Lex curiata*; that which was *Comitiis centuriatis, lex centuriata,* that which was *Comitiis tributis,* was not called a law, but *Plebiscitum.*

[x] Cic. orat. Philip. 2.

[y] F. Maturantius in Phil. 1.

[z] Corn. Tac. annal. lib. 11.

[a] F. Matur. in Philip. 12.

[b] Sig. de Jure pro. lib 3. c. 1.

Cap. 3.

De Comitiis curiatis.

COmitia *Curiata* were those, wherein the *Roman* people being divided into thirty Parishes did give their suffrages: They were so called from *Curia,* signifying a Parish.

Pariſh. And untill *Servius Hoſtilius* his time, who did firſt inſtitute the *Comitia centuriata*, all things which were determined by the ſuffrages of the people, were determined by theſe *Curiata comitia*: But after the other two ſorts of aſſemblies had been eſtabliſhed, theſe *Curiata* were uſed only either for the enacting of ſome particular laws, or for the creating of ſome certain Prieſts called *Flamines*. For the better underſtanding hereof we muſt remember that though at firſt theſe thirty Pariſhes were parts of the three Tribes (each Tribe being divided into ten Pariſhes,) yet in proceſſe of time the increaſe of the *Roman* people was ſuch, that a great part of the *Roman* fields were filled with buildings and places of habitation, inſomuch that the Tribes of the *Romans* were increaſed to thirty five: but the Pariſhes (becauſe none that dwelt out of the city were tied to the rites and ceremonies of the *Roman* religion) did not increaſe, ſo that the Pariſhes did not alwaies remain parts of the Tribes. Hence it followeth that all the *Romans* had not power to ſuffrage in theſe aſſemblies, but thoſe alone who dwelt within the city: for no other could be of any Pariſh. The place where theſe aſſemblies were held, was the great hall of Juſtice, called from theſe aſſemblies, *Comitium*. Before theſe aſſemblies were held, it was required that ſome lawfull Magiſtrate for ſome competent time before hand ſhould ſolemnly proclame them, and the thirty Serjants (each Pariſh having for that purpoſe his Serjant) ſhould call the people together; as likewiſe three *Augures* or at leaſt one ſhould be preſent to aſſure them by their obſervations, either of the favour, or diſpleaſure of the Gods. Upon theſe premiſes the matter was propoſed unto the people, who if they liked it, then they proceeded unto their election; if otherwiſe they diſliked it, then did the *Tribunus plebis intercedere*, that is, forbid their proceedings: whereupon their aſſemblies were preſently diſſolved.

Cap. 4.

De Comitiis Centuriatis

AS thoſe former Aſſemblies were called *Curiata à curiis*, ſo were theſe called *Centuriata à Centuriis*. *Servius Tullius* cauſed a generall valuation of every Citizens eſtate throughout *Rome*, to be taken upon record, together with their age, and according to their eſtates and age, he divided the *Romans* into ſix great Armies or Bands, which he called *Claſſes*; though in truth there were but five of ſpeciall note: the ſixth contained none but the poorer ſort, and thoſe of no worth or eſteem. The valuation of thoſe in the firſt *Claſſis*, was not under two hundred pounds, and they alone by way of Excellency were termed *Claſſici*: and hence figuratively are our beſt and worthieſt Authors, called *Claſſici ſcriptores*, Claſſicall Authors. [d] All the others, though they were inrolled in the ſecond, third, or any other *Claſſis*, yet were they ſaid to be *Infraclaſſem*. The valuation of the ſecond Band was not under ſeven ſcore pounds. The valuation of the third was not ſo little as an hundred pounds; of the fourth not leſſe then forty pounds; of the fifth not leſſe then twenty five pounds. The ſixth contained the poorer ſort, whom *Horace* calleth *Tenuis cenſûs homines*, men of ſmall ſubſtance; and alſo they were called *Proletarii, à muuere officioq́, prolis edendæ*, as if the only good that they did to the common-weal, were in begetting of children, and ſometimes they were called *Capite-cenſi*, that is, ſuch as paid very little or nothing at all towards ſubſidies, but only they were regiſtred among the Citizens, as it appeareth by [e] *Sigonius*. Theſe ſix great Bands or Armies were ſubdived into hundreds, called in Latine *Centuriæ*. The firſt *Claſſis* contained four ſcore centuries of footmen and eighteen of horſemen; the ſecond contained twenty

[d] A. Gel. l. 7. cap. 13.

[e] Sig. de jure Rom. l. 1. c. 4.

centuries of foot-men, and two of workmen, which followed after to make military engins and weapons: the third also, as likewise the fourth contained 20. centuries of foot-men, but to the fourth were added two other centuries of Trumpeters Drummers, and such like, who upon just occasion did *Classicum canere*, sound the Alarm, and upon just occasion did again *receptui canere*, sound the retreat: the fift *Classis* contained thirty centuries of footmen: the sixt, or last *Classis* contained one century: so that in all the six *Classes* were contained 193. centuries. Where we must note that all the centuries of footmen did consist, the one half in every *Classis* of the yonger sort, who were to make war abroad upon the enemies; the other half of old men, who remained at home for the safety of the City. All that hath been hitherto spoken of these *Centuriata comitia*, may be collected out of *Sigonius* in the place above quoted. The chief commander of every century was called *centurio*; the rod, or tip-staffe wherewith he did strike his souldiers to keep them in aray, was called by *Pliny*, *Centurionum vitis*: So then we may perceive, that those *Centuriata comitia* were those, wherein the people did give their voices by centuries, or hundreds. Now the centuries did not consist of those alone which had their places of habitation at *Rome*, but of certain *Municipall* states also, and such colonies, or other states, that could [d] *Plenum civitatis jus cum jure suffragii adipisci*. [e] Now the custome in old time was, that all these centuries should march in their armour after the Magistrate which assembled them, into the *Campus Martius*, there to give their voices. But this custome continued not long: for thereby they did disarm the City, and give their enemies (if any should assail them in time of their assemblies) the greater advantage: for their greater security thereof, they appointed a flag to be hanged out upon the mount *Janiculus*, some few armed men standing there in watch and ward for the safeguard of the City; and when the assembled

d Rosin. ant. li. 6. cap. 10.
e Rosin. ant. Rom. l. 6. c. 16.

bled was to be dissolved, then did the watch depart, an the flag was taken down: neither could any thing after that be determined, but if they continued their Assemblies, then did they proceed to the giving of their voices, in old time thus; Those centuries of the first *Classis* being the wealthier, had the prerogative of suffraging first, and because this first *Classis* contained more centuries then all the rest, therefore if they could agree among themselves, the other centuries were never asked their voices. This kind of suffraging being somewhat partiall, in as much as the richer & wealthier being placed in the first *Classis*, did oversway the elections against the poor'r sort of people; thence did the after ages appoint that that century should have the prerogative of suffraging first, upon whom the lot fell. The other centuries were all called [f] *Centuriæ Jure-vocatæ*, and did give their voices not by lots (as the *Tribus Jure-vocatæ* did) but the elder and wealthier centuries did suffrage next after the prerogative century, accordingly as their place required.

[f] Rosin. ant. Rom. l. 6. c. 20.

Cap. 5.
De comitiis Tributis.

FOr the better understanding of these assemblies by Tribes, or Wards, it will be needfull first to learne, that this word *Tribus* in this place doth signify a certaine region ward, or locall place of the city, or the fields belonging thereunto, according to that, [g] *Tributa comitia erant cùm ex regionibus & locis suffragabantur.* It was so called either *à tributo dando*, every severall region or quarter paying such a tribute: or *quia primò tres tantum fuerunt*, the whole city being at first divided only into three regions, or wards, each nationall tribe having his severall region, or locall tribe to dwell in. The first nationall tribe called *Ramnenses* did inhabit the mount *Palatine*, and the mount *Cœlius*, and those two hills made the first locall tribe. The second nationall

[g] A. Gel. l. 15. cap. 27.

tribe called *Tatienſies*, did inhabit the *Capitoll*, and the *Quirinall* mountain, which two mountaines made the ſecond locall tribe. The third nationall tribe did inhabit the plain betweene the *Capitoll* and the *Palatine* hill, and that plain was called the third locall tribe. Of theſe tribes more is ſpoken in the firſt diviſion of the *Roman* people. Only here we muſt note thus much, that in proceſſe of time after the City was enlarged, and the number of the *Roman* Citizens increaſed, theſe locall tribes were alſo augmented, ſo that they amounted at the laſt to the number of 35. ſome of them being called *Urbanæ*, others *Ruſticæ*; [b] *Urbanæ ab urbis regionibus, Ruſticæ ab agri partibus erant nuncupatæ.* And of thoſe two ſorts, the *Tribus ruſticæ* were accounted the more honourable. Moreover we muſt remember, that a man might be reputed of this or that tribe, although he had no place or habitation therein. Concerning the place where theſe *Tributa comitia* were had, ſometimes they fell out to be in the *Campus Martius*, ſometimes in their great Hall of juſtice called *Comitium*, ſomtimes in the *Capitoll*; many times in other places, according to the diſcretion of the Magiſtrate which cauſed theſe Aſſemblies.

b Sigon. de jure Rom. l. 1. c. 3.

Cap. 6.

De Candidatis.

It ſhall not be impertinent to annex ſome neceſſary obſervations touching the *Roman* Petitors or Suitors for bearing office: where we will obſerve theſe three phraſes, *ambire magiſtratum*, *inire magiſtratum*, and *abire magiſtratu*. The firſt ſignifieth, to ſue for an office; the ſecond, to enter into the office; the third, to depart out of the office. Again, the difference of theſe phraſes, *Conficere legitima ſuffragia*, & *Explere ſuffragia*. [i] The firſt ſignifieth, to have ſo many voyces as the Law doth require. The ſecond ſignifieth,

i Roſin. antiq. Rom. l. 10. c. 6.

to

to have more voyces then any other Competitor, but not so many as the Law requireth.

These persons were termed *Candidati, à togà candidâ*, from the white gown which they did wear, as it appeareth more at large, where we have spoken *De Romanâ togâ*. That they might the easier procure the good will of the people, these four things were expected from them. First *Nomenclatio*, the saluting of every citizen by his name; for the better discharge of which, they had a certain follower, which should by way of prompting, tell every Citizen his name as he passed by, and hence this prompter was sometime called [a] *Nomenclator*, which word doth properly signifie a common cryer in a Court of Justice, such as call men to their appearance, whence they had their name from *Nomen & calo*, an old Latine word to call; sometimes [b] *Monitor*, somtimes *Fartor ab infarciendo in aures*, 2[l] *Blanditia*, that is, a friendly compellation by the addition of some complementall name, as well-met friend, brother, father, *&c.* Thirdly *Assiduitas*, that is an hot canvasing, or soliciting men without intermission. Lastly, *Benignitas*, a bountifull, or liberall largesse, or dole of money called *congiarium*, from the measure *congius* containing a gallon, because their [l] dole was at the first made of oyle or wine distributed in those measures. Howbeit ἡ τοῦ χοίνικος any dole, gift, or largesse in money, or otherwise, is called *congiarium*. The distributers of this dole were called [m] *divisores &* [n] *sequestres*, although sometimes *sequester* signified a briber or corrupter of a Judge. Likewise their bounty or liberality consisted in providing great dinners, and exhibiting magnificent shewes unto the people *&c.* where we must observe, that as often as this largesse is called *Largitio*, it is taken in the worst sense, namely for an unlawfull bribing of the suffragers under a pretended largesse, [o] *Benignitas liberalitatem magis significat quam largitionem.*

k Rosin. ant. Rom. l. 7. c. 8.

a Cic. orat. pro L. Mur. Mercemur servum qui dicet nomina. &c. Hor. l. 1. ep. 6.

b Cic. loco supra citato.

l G. Trapez. in Philip. 2.

m Sig. de jud lib. 2. cap. 29.

n Barth. Latomus in orat pro M. Cœl.

o Cic. orat. L. Muræn.

Cap. 7.

De Romanis veſtibus.

WEE may obſerve in reading old authors, that as well the *Romans* as the *Grecians* had divers diſtinct habits, or outward veſtiments. The *Grecians* had their mantle, called *Pallium*; the *Romans* their gown, called *Toga*: and by this different kinde of garment the one was ſo certainly diſtinguiſhed from the other, that this word *Togatus* was often uſed to ſignifie a *Roman*, and *Palliatus* a *Grecian*. [f] *Togati pro Romanis dicti, ut Palliati pro Græcis.* Before we proceed, we will firſt obſerve what this *Toga* was, and then how many ſorts there were. [g] *Toga, à tegendo dicta eſt.* It was made commonly of wooll, but according to the worth and dignity of the perſon, ſometimes of courſer, ſometimes of finer wooll; as we may collect by that of *Horace*.

——— Mihi ſit toga, quæ defendere frigus
Quamvis craſſa queat ———

We muſt note with *Toxita*, that no women of any credit did wear the *Roman* gown, but inſtead thereof did uſe a garment called *ſtola* from στέλλω ſignifying *demitto, quòd uſq; ad talos demitteretur*: whence old Poets, when they would point out unto us an infamous or lewd ſtrumpet, they would term her [i] *mulierem togatam*. [k] This *toga* ſometimes was worn open and untuckt; then was it called *toga aperta*: other times it was tuckt up, and then it was called *toga præcincta*. This cincture or girding up of the gown was, according to [l] *Sigonius* threefold; *Cinctura laxior*, *Aſtrictior*, and *Cinctus Gabinus*; *Cinctura laxior*, or the looſe kinde of girding was ſuch, that notwithſtanding the tuck, yet the tayle trailed on the ground; *Cinctura aſtrictior*, the cloſe kinde of girding was ſuch, that after the gown had been lapped, or

f Sigon. de judic. l. 3. c. 19.
g Mic. Toxita in orat. Philippic. 2.
Mic. Tox. ib.
i Roſin. ant. Rom.
k Sig. de jud. li 3. c 19.
l Sig. ib.

or tucked up, it ſhould not reach ſo far as the feet. The firſt kinde of theſe cinctures did argue a remiſſe, ſoft, and effeminate minde; the later did ſignifie the promptnes or readineſſe of the perſon; [m] *Vnde, Altè præcincti, pro expeditis dicti ſunt.* Thirdly, *Cinctus Gabinus* was a warlike kind of girding, not ſo that the whole gown ſhould be tucked up about the middle, but that it being caſt quite backward, the party ſhould gird himſelf with one skirt thereof. [n] This kinde of girding was ſo called from a certain City of *Campania*, called *Gabii*, becauſe upon a time the Inhabitants of this City being at ſacrifice, were ſet upon by their enemies; at which time they caſting their gowns behinde them, & girding one lappet, or skirt about them, went immediatly to war, even from the altars, and got the conqueſt. [o] In memory of which ever after, the *Conſul* when he ſhould proclaim war, girded himſelf in like maner. Neither had the *Conſul* alone a peculiar garment when he proclaimed war, but every ſouldier in time of war did wear a different kinde of garment from the gown, which they called *Sagum:* we may engliſh it a ſouldiers coat. Whence *Tully* uſeth this phraſe *ad ſaga ire*, which *Eraſmus* hath paralleld with this *Ad certamen ſe accingere*, to buckle for war. Inſomuch that *Cedant ſaga togæ*, is *equivalent* to that of the Oratours, *Cedant arma togæ*. Touching the difference of the *Roman* gowns, I finde them diſtinguiſhed by [p] *Sigonius* according as followeth; in *Togam, Puram, Candidam, Pullam, Prætextam, Palludamentum, Pictam, Trabeam. Toga pura* was the common ordinary gown worn by new married women, and *Tanaquill prima texuit rectam tunicam, quâ ſimul cum toga pura tyrones induuntur, novæq; nuptæ. Plin. li. 8. cap. 48.* and by private men at mans eſtate, about the ſixteenth year of their age, at which time they were ſaid, *Excedere ex ephebis*, that is, to be paſt ſtriplings. Notwithſtanding the ſixteenth year was not alwayes ſtrictly without exception obſerved; [q] for *M. Aurelius* was permitted to weare this gowne being but fifteene yeares old;

m Sig. ibid.

n Serv. Æneid. lib. 7.

o Alex. Genedier. l. 1. c. 14.

p Sig. de jud. lib. 3. cap. 12.

q Roſin. ant. lib. 7. cap. 30.

old; & *Caligula* did not weare it till the ninteenth yeare of his age, This kind of gown beſide that it was called *Pura*, was alſo ſometimes called *virilis*, ſometimes *libera*. It was called *pura* in reſpect of its pure white colour, being free from all admixtures of purple, or any other colour; & therfore ſome have termed it λευκον, all white, others ἀπόρφυρον, void of purple. It was called *virilis*, becauſe it was given to ſtriplings now growing to mans eſtate. Whence we uſe to ſay of a ſtripling paſt 16 years of age, *virilem togam ſumpſit*, he is now become a man. Laſtly it was called *libera*, becauſe then they did receive ſome beginning of freedom, as being about that time freed from their ſchoolemaſters, & overſeers. This kind of gown was not made open, but ſewed downe to the bottome, and alſo it was made without ſleeves, ſo that if at any time they had occaſion to uſe their armes, they would take up their gown and caſt it quite behind them, or upon their ſhoulders. But theſe ſtriplings could not for one whole years ſpace, caſt back their gownes in that manner for their liberty of their armes without the imputation of immodeſty, as it appeareth by [t] *Cicero*, *Nobis annus erat unus ad cohibendum brachium togâ conſtitutus*. The like liberty it ſeemeth was denied thoſe that ſtood for places of office: and thence is it, that *Horace* wiſheth ſuch to hire them a ſervant,

— *Lævum*
Qui fodiat latus, & cogat trans pondera dextram
Porrigere ——

In which place by *Pondera* is underſtood the *Roman* gown, as [x] *Sigonius* hath expounded that place. Now for the underſtanding of *Toga candida*, we are to learne a difference between this *candida toga*, and the *toga pura* above ſpoken of, which is oftentimes called *toga alba*, both of which were white, but differed in the degree of whitenes. The *toga alba* had only the naturall whiteneſs of the wooll, the *toga candida* had an artificiall white dye: whereby the gloſſe of the white was made more orient and intenſive. Or elſe as [y] *Sigonius*

Et toga non tactas vincere iuſſa nives Mart.

r Poſin. ant. l. 5. c. 3.

Aldus Manu.

t Cic. in orat. pro Cœlio.

u Sig. de jud. lib. 3. cap. 19.

x Sigon. ib.

y Sigon. ib.

nius hath obſerved out of *Iſidorus*, *intendenda albedini eguâ cretam addiderant*, that is, they chalked it to increaſe the whiteneſſe thereof. And hereunto *Perſius* alludeth.

— *Quem ducit hiantem Cretata ambitio.*

Whence *Polybius* calleth it *togam* λαμπρὰν, that is, ſhining or ſplendent. Moreover, whereas the *alba toga* was the ordinary *Roman* gown which commonly the *Roman* Citizens did wear, this *candida toga* was only worn by thoſe which did *ambire magiſtratum*, ſue for a Magiſtracy, or place of office, who during the time of their ſute, were called from their gown *Candidati*: and *Quintilian* borrowing his metaphor from them, hath called a young ſtudent *eloquentiæ candidatum*. The third ſort of gown, which I termed *togam pullam*, was a black gown, and thereof were two ſeverall kinds; the one cole-black, which was worn *luctûs causâ*, in token of mourning; and the mourners were thence called *Atrati*, and as often as they did wear this gown, they were ſaid *Mutare veſtem*, [z] which phraſe in old Authors doth ſignifie nothing elſe but to go in mourning apparell: The other not cole-black, but only foul'd or ſtained, and that was worn *reatus causâ*, in times of arraignment, and thoſe that wore it, were called *Sordidati, à ſordibus in veſte*, from the ſpots or ſtains in the gown. Where we muſt note, that in proceſſe of time *Toga pulla* became the ordinary gown, which the common people did wear; at which time the ordinary gown which the Citizens of better place and eſteem did wear, was the *toga candida*; whereupon there did then grow a diſtinction of the Citizens, unknown to the former age, ſaith *Roſinus*, namely that ſome were termed *candidati*, others *pullati*: *Candidati* were thoſe, not which became ſuters for places of office (as in old time it ſignified) but thoſe which did live in better repute then others, from whence it is, that [a] he whoſe office was to reade the Emperours Letters in the Senate, was called *Candidatus principis*, or *Quæſtor candidatus*. It did ſomewhat reſemble the office

[z] Sig. de jud. l. 3. c. 19 Cic. orat. pro P. Sext. Suum dolorem veſte mutata ſignificabant Romani.

[a] Feneſt. de Mag. Ro. c. 3.

old; & *Caligula* did not weare it till the ninteenth yeare of his age, This kind of gown beside that it was called *Pura*, was also sometimes called *virilis*, sometimes *libera*. It was called *pura* in respect of its pure white colour, being free from all admixtures of purple, or any other colour; & therfore some have termed it ἁλιλευκον, all white, others ἀπόρφυρον, void of purple. It was called *virilis*, because it was given to striplings now growing to mans estate. Whence we use to say of a stripling past 16 years of age, *virilem togam sumpsit*, he is now become a man. Lastly it was called *libera*, [r] because then they did receive some beginning of freedom, as being about that time freed from their schoolemasters, & overseers. This kind of gown was not made open, but sewed downe to the bottome, and also it was made without sleeves, so that if at any time they had occasion to use their armes, they would take up their gown and cast it quite behind them, or upon their shoulders. But these striplings could not for one whole years space, cast back their gownes in that manner for their liberty of their armes without the imputation of immodesty, as it appeareth by [t] *Cicero*, *Nobis annus erat unus ad cohibendum brachium togâ constitutus*. The like liberty it seemeth was denied those that stood for places of office: [u] and thence is it, that *Horace* wisheth such to hire them a servant,

—— *Lævum*
Qui fodiat latus, & cogat trans pondera dextram
Porrigere ——

In which place by *Pondera* is understood the *Roman* gown, as [x] *Sigonius* hath expounded that place. Now for the understanding of *Toga candida*, we are to learne a difference between this *candida toga*, and the *toga pura* above spoken of, which is oftentimes called *toga alba*, both of which were white, but differed in the degree of whitenes. The *toga alba* had only the naturall whitenes of the wooll; the *toga candida* had an artificiall white dye: whereby the glosse of the white was made more orient and intensive. Or else as [y] *Sigonius*

Et toga non tactas vincere iussit nives Mart.

r Rosin. ant. [illegible] l. 5. c. 3.

Aldus Manu.

t Cic. in orat. pro Cœlio.

u Sig. de jud. lib. 3. cap. 19.

x Sigon. ib.

y Sigon. ib.

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* Sig. de jud. l. 3. c 19 Cic. orat pro P. Sext. Suum dolorem veſte mutata ſignificabant Romani.

a Feneſt. de Mag Ro. c. 3.

of the King his Majeſties chief Secretary. *Pullati* were thoſe of the commonalty or inferiour ſort. The 4th ſort of gown was the *toga prætexta*, ſo called, *quia ei purpura prætexta erat*, becauſe it was garded about with purple ſilk. This kinde of gown at the firſt, was uſed only by the *Roman* Prieſts, and chief Magiſtrates: neither was it lawfull for ſuch as did wear that gown to be arraigned, or ſentence to be given on them untill that gown was put off. In continuance of time this *toga prætexta* was permitted firſt to Noble mens children, afterward to all *Roman* children in generall: whereupon [b] *Togatus a prætexto differt ut privatus à magiſtratu, & vir à puero*, and *ætas prætexta*, is taken for childhood, and *prætextati* ſometimes for Magiſtrates, but commonly for young children. The fifth ſort of gown was called *Paludamentum*; it was a military garment, which [c] none but the L. Generall or the chief Captains did uſe to wear. [d] *Iſidorus* ſaid it was not only garded with purple, but with skarlet and gold lace: whence in was ſometimes called [e] *toga purpurea*, ſometimes *coccinea*. It was much like the habit which the *Græcian* Emperor was wont to wear, called *Chlamys*; yea, now it is called *Chlamys*; we may Engliſh it and *Heralds* coat of Armes. The ſixth ſort of gown was *toga picta*, [g] becauſe in it were imbroidred goodly pictures with needle-work: it was alſo called *Purpurea*, not becauſe of any purple-gard (in which reſpect the *prætexta*, and the *paludamentum* were called *purpurea*) but becauſe it was all over of a purple die: it was by ſome termed *toga palmata*, becauſe in it many palme branches being the reward and token of victory were wrought, whence by others it was called *toga triumphalis*, becauſe Emperors in their triumphs did wear ſuch gowns. The laſt ſort of gown was *Trabea*, whereof there were [h] three ſeverall kindes; the one woven all of purple, which was conſecrated unto the Gods: the ſecond was purple woven upon white, and this onely Kings and Conſuls might wear: the third was ſcarlet woven upon

b Pet. Pellitarius in orat. pro A. Cæcin.

c Alex. gen. dier. l. 5. c. 18.

d Sig. de Jud. lib. 3. cap. 19.

e Sigon. ib.

f Roſin. antiq. lib. 5. cap. 31.

g Sig. de jud. lib. 3. c. 19.

h Serv. Æneid. lib. 7.

upon purple, and this the *Augures* only did wear. [i] This laſt ſort was therefore called *trabea auguralis*, the ſecond *trabea regia*, the third *trabea conſecrata*.

i Alex Gen. dier. l 5. c. 18.

Cap. 8.

De Tunica.

THoſe coats which were worn under the gown, were called *Tunicæ*; and that they were worn under the gown it appeareth by that adage, *Tunica pallio propior eſt*, that is, every one for himſelf firſt; or according to our Engliſh proverb, cloſe ſitteth my ſhirt, but cloſer ſitteth my skin. [k] This *tunica* was both narrower and ſhorter then the gown: at firſt it was made without ſleeves, afterward with ſleeves, and by it, as well as by the gown were Citizens diſtinguiſhed. The firſt ſort of coats was made of white cloath commonly, [l] but purfled over and embroidred with ſtuds of purple in manner of broad nail heads; whence it was called *Laticlavia*, or *Latus clavus*; and the perſons wearing this coat were Senators, called thence *Laticlavii*. The ſecond ſort belonged unto the Roman Knights, and it differed in making from the firſt, onely that the purple ſtuds or embroidered works of this, were not ſo broad as the former: whence the coat was called *Anguſticlavia*, or *Anguſtus clavus*, and the perſons wearing it were called *Anguſticlavii*. The third ſort belonged unto the populacy and poorer ſort of Romans; it was made without any purfled works, being called *Tunica recta*. This coat was given together with the *Virile* gown to ſtriplings paſt ſixteen years old, and to new married women. And as the *recta tunica* was given with the *Virile* gown; ſo was the *tunica clavata* given together with the *toga prætexta*; and the *Laticlavia*, otherwiſe called *tunica palmata*, given with the *toga picta*. The fourth & laſt ſort belonged unto women, being a long coat

k Sig. de jud. lib. 3. cap 20.

l Salmuth in Pancirol. lib. rerum deperdit. c de fibul. Vid. Turneb. adverſ. l. 1. c. 2.

reaching down unto the heeles; they called it *Stolam*. Upon it they did wear an outward garment [m] called *pallium*, and ſometimes *palla, quia palàm geſtabatur*. [n] *Sigonius* ſaith that this *palla* was a certain gown uſed by ſtage-players: howſoever certain it is, that not only women, but men alſo and children did wear this kinde of garment. Beſides the *Roman* gown and coat, there remain other parts of their apparell to be ſpoken of; ſuch are theſe which follow: *Lacerna*, [o] which ſome do engliſh a cloak, but [p] *Feſtus* would have it to be a little kinde of hood, which men ſhould wear to defend themſelves from the rain & weather; It was made that either ſide might be worn outward; and at firſt it was worn only in war, ſo that *Lacernati* ſtood in oppoſition with *togati*. [q] *Iſodorus togatos pro urbanis, Lacernatos pro militibus uſurpatos ſcribit*. Afterward, as we may conjecture it was made longer in manner of a cloak, for it was divers times worn upon their coats inſteed of gowns. Another kinde of garment was the *Penula*, ſo called *quaſi pendula*, we may tranſlate it a long hanging cloak. A third was called *Mitra*, which ſometimes did ſignifie a certain attire for womens heads, as a coif or ſuch like; though this kinde of attire was more properly called *Calantica*: other times it ſignified a girdle, which more properly was called *Zona*; This *Zona* chiefly ſignified a ſouldiers belt, or a marriage girdle. The ſouldiers belt was lined within in the inſide, where when they went to war they did put their mony: whence *Horace* ſaith of a man that hath loſt his mony, *zonam perdidit*; and ζώννυσθαι, to be girt, ſignifieth Ἐνδύεσθαι τὰ ὅπλα, *Arma induere*, *Cæl. Rhod. l.* 22. 19. happily becauſe that part of the body which was girt, was conſecrated to *Mars*, as the forehead was to every mans particular *Genius*, the arms to *Iuno*, the breſt to *Neptune*, the reins to *Venus*, the feet to *Mercury*, and the fingers to *Minerva*. *Alex. ab Alex. l.* 2. *c.* 19. Young maids when they were married were wont to have a marriage girdle tyed about their middle, which their husband at the

m Roſin. ant. lib. 5. cap. 35.
n Sig. de jud. li. 3. c. 19.
o Sigon ib.
p Sigon ib.
q *Iſodorus togatos pro urbanis, Lacernatos pro militibus uſurpatos ſcribit*.

the firſt night of their marriage ſhould untie: whence *zonam ſolvere*, hath been tranſlated to deflowre a Virgin. This marriage girdle in former times was called *Ceſtus*, from whence commeth the Latine word *inceſtus*, and the Engliſh word Inceſt: which in truth ſignifieth all kinde of pollution committed by undoing, or untying this girdle called *ceſtus*: but now in a more ſtrict acception it ſignifieth onely that kinde of naughtineſs, which is committed between two of neer kin; [q] and that other folly which is committed with a ſtrangers wife, is now properly called *adulterium*, and that which is committed with a maid or widdow, *ſtuprum*. The laſt thing touching their apparel is their ſhoes. [r] *Calceamentorum genera duo fuerunt, calcei, & ſolæ.* For the ſoal of the ſhoe called in Latine *ſolea*, ſometimes *crepidula*, and in *Cicero* his time *gallica*, was tied on to the bottom of the foot with leathern ſtraps or buckles, and ſo worn inſtead of ſhoes. The divers kindes of theſe ſhoes did diſtinguiſh the Roman people alſo. To omit the difference in colours, we may reduce the chief kindes to five heads, *Mullei, Patricii, Perones, Cothurni, Solei*. All theſe ſorts of ſhoes were made half way up the leg, as the Turkiſh ſhoes are, according to *Joſephus Scaliger*: and they were either laced cloſe to the leg, as many of our boots are now adaies; or claſped with taches or haſps. The firſt ſort called *Mullei* [s] from the fiſh *mullus*, being like unto it in colour, were alſo called from their claſp, *calcei* [t] *lunati*, becauſe the claſpes were made in form of an half moon, which half-mooned claſp reſembling a Roman C, ſignified an hundred, [u] intimating thereby that the number of the *Senators* (they onely being permitted to wear this kinde of ſhoe) were at firſt a full hundred and no more. Others are of opinion that they wore this mooned claſp to put them in minde that the honour to which they had attained, was mutable and variable as the moon. For they think that theſe *Lunati calcei* were not received as a token of Nobility onely at Rome, but in other

[q] Cæl. in orat. pro Milone.

[r] Roſin. antiq. Rom. l. 5. c. 36.

[s] Salmuth. in Pancirol. lib. rerum deperdit cap. de fibula.

[t] *Appictam nigra lunam ſubtexit alutæ.* Juven.

[u] Salmuth. in Pancirol. lib. rerum deperd. cap. de fibul.

places, to which purpose they interpret that of the Prophet *Esay, cap. 3. In die illo aufert Dominus ornamentum calceorum & lunulas. Cœl. Rhod. lect. Antiq. l. 20. c. 28. Vncinati calcei*, were those, which the souldiers were wont to wear, I take them to be the same with those which they called *Caligæ*, from which kinde of shoes *C. Cæsar Caligula* had his name, because he was born in the army, *Quia natus in exercitu fuerat, cognomentum calceamenti militaris, id est, Caligulæ sortitus est. Aurel. Vict. Epit. de vita imperat. Perones* (as we may conjecture) were laced up the leg: for *Tertullian* making but two sorts of shoes, saith, there were the *Mullei* called from their clasps *Lunati*, and the *Perones* made without such half mooned clasps, called also *calcei puri, quoniam ex puro corio facti*; and these *Perones* or *puros calceos* all the other *Romans* did wear [x] with this note of distinction, that the Magistrates shoes were beset with precious stones, private mens were not. Thus much concerning both the kindes and fashion of the shoes may be collected out of *Rosinus* in the place above quoted. The description and use of the *Cothurnus*, and *Soccus*, may be seen in the tract *de Romanis ludis*.

x Salmuth in Pancirol. lib. terum deperd. c. de fibula.

LIB.

LIB. 3. SECT. 2.

Of the Roman *Magiſtrates.*

CAP. 1.

De Magiſtratibus Romanis.

WE being to treat of the *Roman* Magiſtrates will firſt ſee what the definition of a Magiſtrate is: a Magiſtrate is he [o] who receiveth by publike authority the charge and overſight of humane affairs belonging to the common wealth. Theſe *Roman* Magiſtrates were either to be choſen only out of the better ſort of *Romans*, called the *Patricii*; or elſe only out of the commonalty. [p] The firſt were thence called *Magiſtratus Patricii*, the ſecond *Magiſtratus Plebeii*. The *Patricii* had power to hinder the aſſemblies of the people, namely their *Comitia*, by obſerving ſigns and tokens from the heavens: howbeit ſome of them had greater power, others leſſe; inſomuch that ſome were called *Majores Magiſtratus, quioniam habebant majora auſpicia, id eſt* [q] *magis rata*. Others were called *minores Magiſtratus, quoniam habebant minora auſpicia*. Of theſe in their order.

[o] Sig. de jure Rom. l. 1. c. 20.

[p] Sig. de jur. Provinc. l. 3. cap. 1.

[q] Feneſt. de Magiſt. Rom. cap. 1.

CAP.

Cap. 2. ie P.

De Rege & Tribuno Celerum.

IN the infancy of Rome, it was governed by a King unto *Tarquinius Superbus* his time, who by maintaining that shamefull act of his son towards *Lucretia*, did so incense the people, that they did not only for the present exile him, but decreed that their City should never after that be governed by a King. This King had absolute rule and government over the City. For the safety of his person he had three hundred chosen young men alwayes to be attendant about him, much like unto our Kings Majesties Guard here in *England* or rather his *Pensioners*. They were called [f] *Celeres, à celeritate*, from their readinesse in assistance; sometimes they were called *Trossuli*, [g] becaus they alone, without the help of any foot-men did take a certain City in *Etruria*, called *Trassulum*. Other times they have been called *Flexumines*, whereof as yet there hath been no certain reason rendred. Each hundred of them had their severall overseer, called *Centurio*; and over them all there was one general overseer, and chief commander, whom they called *Praefectum vel Tribunum Celerum*, his place being next to the King. A second sort of attendants about the King were called *Lictores, à Ligando*, according to that, *Lictor colliga manus*. They were by the *Grecians* called ῥαβδοῦχοι, which we may render Virgers from ῥάβδος a rod, and ἔχω, to have: though sometimes ῥαβδοῦχοι do signifie the same as ῥαψῳδοὶ, the rehearsers of *Homers* verses, or in general of any other *Poets*, ἀπὸ τοῦ ῥάπτειν ᾠδάς from patching together other mens Poems. For the reciters of *Homers* verses were wont to hold a rod or wand in their hand during the time of rehearsall. *Cœl. Rhod. l. c. 29.* They did somewhat resemble our Serjants, there being in number 12 of them. Their office was to carry certain bundles of birchen

[f] Plutarch. in Romulo.

[g] Plin. l. 33. cap. 2.

birchen rods with an ax wrapped up in the midſt of them: the rods in Latine were called *Faſces*, the ax *Securis*. The reaſon why they carried both axes and rods, was to intimate the different puniſhment that belonged to notorious & petty malefactors. The reaſon why they were wrapped up together was not only that they might thereby be more portable, but that the anger of the Magiſtrates might be ſomewhat allayed, whiles they were unbinding. Hence, becauſe theſe *Faſces virgarum & ſecurium*, did betoken honor and chiefdom in place and authority, by the figure *ſynecdoche*, this word hath been uſed to ſignifie honor and dignity, as *Faſcibus ſuis abrogatis*, he being diſcharged of his magiſtracy or dignity; And *Faſces ſubmittere*, to give place, or yeeld unto. *Valer. Publicola* gave the occaſion of the proverb. He to inſinuate himſelf into the hearts of the people is ſaid, *Submittere faces populo quoties prodiret in concionem*. Some interpret it, as if he were wont to command the Serjants quite to depart out of the aſſembly with their rods, which opinion *Plutarch* in *Publicola* confuteth, writing thus, αὐτὸς τὰς ῥάβδους εἰς ἐκκλησίαν πορευθεὶς, ὑφεῖλε τῷ δήμῳ, καὶ κατέκλινε. *Faſces ipſos in concionem progreſſus populo ſubmiſit inclinavitq;* So that the phraſe ſignifieth properly, the not-holding up of the rods, or rather the laying them down as it were at the feet of the people. *Cæl. Rhod. l.* 12. *c.* 7.

‡ Ioac Camerarius in orat. pro Flacco. *Immedicabile vulnus enſe recidendum, &c.*

Cap. 3.

De Senatu, & quis Princeps Senatus, & qui Senatores Pedarii?

TOuching the election of the *Senators*, the number of them, and the diſtinction of them into *Senatores majorum & Senatores minorum gentium*, ſufficient hath been delivered in the ſecond diviſion of the *Roman* people; as likewiſe in the third diviſion hath been ſhewn the habit

or gown by which the *Senators* were diſtinguiſhed from the *Roman* Gentlemen. Here therefore it ſhall be ſufficient for us to underſtand, that every ſolemn meeting, or conſiſtory of theſe *Senators* was called *Senatus*. The fore-man of them (which could be no other then ſuch as had been either *Conſul* or *Cenſor*) was called *Princeps Senatûs*, and his opinion vvas alvvays firſt asked. Now among thoſe that had borne thoſe foreſaid offices, it vvas in the *Cenſors* power to make whom he would fore-men. The decree of this conſiſtory was called *Senatus conſultum*. And many times it is written with theſe two letters onely S. C. In like manner their preface to theſe decrees was commonly theſe two capital letters B F. That is, *Bonum factum*, *Sueton. Jul. Caſ. cap.* 80. and it had the ſame uſe as, *In nomine Dei* with us. The place where this conſiſtory was had, they called *Senaculum*. None was[u] ordinarily admitted into the place of a *Senator*, before the five and twentieth year of his age: and of thoſe that were admitted, ſome vvere allowed to ride unto the Senate-houſe in a Curule chair, namely vvhen they had borne ſuch office, which gave them right unto that chair; others which had not borne ſuch office went on foot,[x] whence theſe latter were called *Senatores pedarii*. They determined their acts which they called *Senatus conſulta*, ſometimes by departing down their benches, and dividing themſelves into ſides; thoſe which did approve that which was propoſed, ſided with the party who did *Referre ad Senatum*, that is, propoſe the matter unto the Senate; the others departed unto the contrary ſide; or if they came not down at all, but ſate ſtill on the benches, then did they ſignify by holding up, or beckoning with their hands, what ſide they would take. Now if the major part were eaſie to be diſcerned, then they reſted there, terming that act to be decreed[y] *per diſceſſionem*: and hence theſe and the like phraſes have taken their beginning, *In illius ſententiam iturus ſum*, and *Manibus pedibuſq; diſcedere in alicujus ſententiam*, that

u Mart. Philcticus, in Cic. l. 1. ep. fam. 1.

x Mart. Phi. let. ibid. It. A. Gel. no. Attic. l. 3. c 18.

y Hubert. in Cic. lib. 1. ep. fam. 1.

that is, to be fully perſwaded of ones opinion. Now if both companies were almoſt equal, ſo that the major part could not eaſily be diſcerned, then did they proceed to give their voices, and that which was thus determined was ſaid to be decreed, *per ſingulorum ſententias exquiſitas*, that is, by voices. Here we may obſerve that to thoſe who were favourably heard in *Senate*, *His ſenatus dari dicebatur*: and [a] likewiſe they were ſaid *ſtare in Senatu*; as on the contrary they were ſaid *jacere*, whom the *Senate* neglected or rather condemned. [a] *Cùm mihi ſtanti jacens minaretur*, ſaith *Tully*. [b] If any Senator were abſent without a lawful excuſe, then was he fined: and for the payment thereof, he did put in a pledge, which if he did not ranſom, then did the common Treaſurer *Cadere vel concidere pignora*, that is, ſtrain or ſeize upon the pledges, making common ſale thereof, in which ſenſe thoſe two phraſes are uſed, namely, *capere pignora, & auferre pignora*, that is, to ſtrain or ſeize upon a mans goods.

[a] Aſcenſius in Cic. l. 1. epiſt. fam. 4.

[a] Cic. orat. de a ruſp. reſpon.

[b] Roſin. antiq. l. 7. c. 7.

Cap. 4.

De Conſulibus.

After the expulſion of *Tarquinius Sup.* the laſt *Roman* King, all the Citizens in *Rome* aſſembled, and concluded that the government of the city, which before was in the hand of one alone Governor, called their King, ſhould now be divided between two: [c] who at firſt (before there was any ſubordinate office as a *Prætorſhip*) the *Romans* called *Prætores, quod præirent populo*. Not long after they were called *Judices à judicando*. In proceſs of time they were known by no other name then *Conſules à conſulendo populo*.

[c] Roſin. antiq. Rom. l. 7. c. 9.

[d] No citizen was ordinarily created *Conſul* before the forty-third year of his age. Neither might any be choſen without ſpecial diſpenſation, either in their abſence out of *Rome*, [e] or in time of their triumph; which was the reaſon that

[d] Cic. orat. Philip. 5.

[e] Suet. Iul. Cæſ. cap. 18.

that *Julius Cæsar* was glad to forgo his triumph at that time when he was Consul with *Bibulus*. The signes or tokens of this *Consular* dignity were the twelve *Lictors* carrying their bundles of rods and axes, [f] the first month before one Consul, and the second before the other, as formerly they had done before the Kings. [*] Now he that had the rods carried before him in the first moneth, either he had more children then the other, for the *lex Julia* gave precedency to him who had most children, or he was elder then the other, or in time of the election he was pronounced before the other, for which respects he was called *Consul major*, and *Consul prior*. [g] The reason why each *Consul* had not twelve *Lictors* alwaies, was because the tyrannie of the *Consuls* might then seem to be doubled, and to exceed the tyranny of the Kings. Another token was a certain chair of estate called *Sella eburnea*, that is, an Ivory chair, so called from the matter whereof it was made; & [b] because this chair was commonly carried about in a certain coach or chariot, wherein the Consul did ride, hence from *Currus* which signifieth a Chariot, it is also called *Sella curulis*; where [i] note that the word *Curulis* is sometimes used substantively, and then it signifieth some chief magistracy or office among the *Romans*. The gown, by which they were distinguished from other Magistrates or private men, was a certain purple gown which from the great embroidred works was called *Trabea*, and he that did wear it was thence called *Trabeatus*, according to that, *Trabeati cura Quirini*. It will be worth the observation to note, that the *Romans* did date their Deeds and Charters in old time, by naming the year wherein their City was first founded; as to say *Ab urbe condita* the twentieth, thirtieth, or fortieth year, &c. But in process of time their manner of dating was by subscribing the names of their present Consuls, as to say, such a thing was determined *L. Valerio, M. Horatio Consulibus*, such & such being Consuls: Whence *Suetonius* speaking of *Julius Cæsar*, saith he was appointed

f Alex. Gen. dier. l 3. c. 8.
* Cœl. Rhod. lib. 12. c. 7.
g Feneſt de magiſt. Rom
b A. Gel. l. 3 c. 18.
i Stadius in Flor. l 1 c. 5.

appointed to be *Flamen Dialis, sequentibus consulibus*, that is, the next year following. Yea, this was so common a date, that to know the age of their wines they signed their vessels with the names of their Consuls, adding withall, that they might know the goodnesse of their wine, the name of the country whence it came, according to that of *Juven. sat.* 5.

—— *Cujus patriam, titulumq́, senectus*
Delevit multâ veteris fuligine testæ. Turn. adv. l. 1. *c.* 1.

Those alone who had born the office of a Consul, not every one that was capable thereof, were said to be *Viri consulares.* [k] At the first those who were created Consuls remained in their office the space of an whole year, being *designati ad consulatum* upon the twenty fourth of October. [l] *Ad consulatum non inierant ante Calendas Jan.* that is the first of January. The reason of this chasme, or *interim* between their designation unto their office, and their entry into it, was (as we may probably conject) that the competitours might have some time to enquire *de Ambitu*, that is, whether there was no indirect and unlawfull means used in their canvasing. In processe of time, either by voluntary resignation, or deposition, or death, many Consuls have been chosen in the same year, and they were called [m] *Non ordinarii, & suffecti Consules.* At such times all their deeds were dated by the names of the two first Consuls which began the year: whence those two first, and likewise all those that continued in their office the whole year, were called [n] *Consules Honorarii, & Consules Ordinarii.*

k Tristinus in orat. Cic. pro Cœlio.
l P. Ramus in orat. Cat. 1.
m Fr. Sylv. in Cic. orat. pro Muræn.
n Rosin. antiq. Rom. l. 7. c. 9.

Cap. 5.

De Censoribus.

THE Consuls finding themselves encombred with so many businesses of a different nature, did by consent of the Senate choose two peculiar Officers, called [o] *Censores*

o Feneſt. de mag. Rom. c. 17.

a censendo, becauſe they ſeſſed and valued every mans eſtate, regiſtring their names, and placing them in a fit century. For it did concern the *Romans* to know the number, and likewiſe the wealth of the people, to the end they might be informed of their own ſtrength, and ſo ſhape their courſe accordingly, either in undertaking wars, tranſplanting Colonies, or in making proviſion of victuals in time of peace. A ſecond and main part of their office was in reforming manners, to which end they had power to enquire into every mans life. This part of their authority was noted out unto us by this phraſe, being called *Virgula cenſoria*. If any one had plaid the ill husband, and neglected his Farm, or left his vine untrimmed, the *Cenſors* took notice thereof. They did *Senatu & Tribu movere*, .i. they did depoſe Senators and pull down men from a more honourable tribe, to a leſs honourable. *Diminutio maxima* was the loſs of ones Tribe, City and freedom. Theſe *Cenſors* were reputed of the beſt rank of Magiſtrates in *Rome*: they remained in their office an whole five years ſpace ordinarily; I ſay ordinarily, becauſe [r] through the abuſe of their place, the office had been made ſometimes annual. [s] That five years ſpace the *Romans* did call *Luſtrum*, becauſe they did once in every five years revolution *Luſtrare exercitum Romanum*, by ſacrifice purge the *Roman* army. Hence we ſay *duo luſtra*, ten years, *tria luſtra*, 15. years, &c. The performance of this *Luſtration* belonged alſo unto the *Cenſors*: for after the *Cenſors* had performed the one part of their office, in regiſtring the juſt valuation of every citizens eſtate, [t] they did lead a Sow, a Ram and a Bull, three times about the army, and in the end ſacrifiſed them to *Mars*: and thus to purge an army, is, *condere Luſtrum*; though ſometimes *condere Luſtrum* doth ſignify, to muſter an army. Theſe ſacrifices, as likewiſe all others of the like nature, that is, wherein there was a Sow, a Ram, and a Bull ſacrifiſed, were termed ſometimes [u] *Suovetaurilia*, ſometimes *Solitaurilia*, ſometimes [x] *Taurilia*. Moreover it

r Feneſt. de Rom. Magiſt. cap 7.

s Pomp. Læt. de Rom. mag c. de Cenſor.

t Pancirol. lib. 2. rerum deperd. c. de cibi capiendi modo.

u Alex. Gen. dier. l. 5. c. 27.

x Pomp. Læt. de mag. Rom. c. de Cenſor.

it did belong unto these *Censors* to farm out the tributes, impostes, tollage, &c.[y] At the five years end, the acts of both their *Censors* were registred upon books of record, which records were laid up in a certain religious house dedicated to the *Nymphs*. Whence[z] *Cicero* speaking of *Clodius* saith, *Qui ædem Nympharum incendit, ut memoriam publicam incensis tabulis publicis impressam aboleret.*

[y] Pancirol. l. rer. deperd. c. de cibi capiendi mod.

[z] Cic. pro Milone.

Cap. 6.

De Prætoribus.

THe *Consuls* by reason of their many troubles in war, having no time to administer justice unto the Roman people, did for the better help therein, create two new Officers for the executing of justice, the one to examine and judge of matters within the City, between Citizen and Citizen: the other to decide controversies between forreiners. The first they[a] called *Prætorem urbanum*, and *Prætorem majorem*; the other *Prætorem peregrinum, & Prætorem minorem*: we may englisht them Lord-chief-Justice. Where we must note that at the first there was only the *Prætor urbanus*, untill the cases and suits in law became so many, that one was not sufficient to hear them all,[b] yea at last the number of the *Prætors* came to 16. namely, when those two were added for the providing of corn and grain; whence they were called *Prætores cereales*:[c] nay there were at last eighteen *Prætors*, there being two others added to judge of controversies touching feofments of trust, called thence *Prætores fidei commissarii*.[d] *Causarum duo genera sunt, alia privata, alia publica; has criminosas, illas civiles appellant.* In those cases wth were private, that is,[e] touching equity & uprightnes of any act, or the restitution of any mony or goods unlawfully detain'd from the right owner, it belong'd principally unto the[f] two first *Prætors* to judge,[g] but under them unto the *Centũ viri*, vvho oftentimes are called by *Tully Recupera-*

[a] Pighius æquipet. comp.

[b] Alex. Gen. dier. l. 2. c. 15.

[c] Feneſt. de mag. Rom. c. 19.

[d] Fr. Sylv. in orat. pro Mur.

[e] I. Saxonius in Cic. orat. pro S. Roscio.

[f] Rosin. antiq. lib. 7. cap. 11.

[g] Saxonius ibid.

cuperatores, & Judices haſtæ; the court *Haſta centum-viralis*, becauſe one of the marks and ſpeciall enſigns was a ſpear erected up in the place the court was kept. Thoſe caſes wch were publike or criminal, as Treaſon, Murder, Buying of voices in the canvaſing of Offices, &c. were called alſo *cauſæ capitales*, and *capitis dimicatio*. that is, [b] ſuch caſes wherein if the party accuſed had been found guilty he was *capite damnatus*: by which phraſe we muſt not underſtand alwaies *Vltimum ſupplicium ſed aliquando exilium, quo ſcilicet caput*, that is, *civis eximitur à civitate*. [i] Theſe caſes at the firſt were heard by the Kings & Conſuls; afterward by certain appointed thereunto by the people, being called from their inquiſition *quæſtores paricidii*. In continuance of time the examination and hearing of theſe publick caſes was turned over unto certain Magiſtrats, who becauſe they vvere to continue their office a full and entire year (vvhereas the others had their authority no longer then they ſate in judgment) vvere thence for diſtinction ſake called *Prætores Quæſtores*, and the caſes were termed *Quæſtiones perpetuæ*: [k] becauſe in theſe caſes there was one ſet form of giving judgement perpetually to remain; whereas in thoſe private or civil cauſes the *Prætor* did commonly every year change the forme of giving judgement by hanging up new edicts. [l] Here we muſt note that theſe *Quæſtores Paricidarum*, otherwiſe called *Prætores Quæſtores*, had not the examination of all publike caſes, but ſometimes upon extraordinary occaſions either the Conſuls, the Senate, or the people themſelves would give judgement. Now as thoſe former *Prætors* had a ſpear erected up, vvhereby their Court for private cauſes was known; ſo had theſe *Quæſtores* a ſword hanged out in token of their court. [m] *Prætorum inſignia duo fuere, haſta, & gladius, illa ad juriſdictionem, hic ad quæſtionem ſignificandam.* The officers which did attend theſe *Prætors* vvere *Scribæ*, i. e. certain Notaries much reſembling the Clerks of our Aſſiſes, their office being to write according as the *Prætors* or

b Fr. Sylv. in orat. pro Mur.

i Roſin antiq. lib. 9. c. 18.

k Roſin. antiq. lib. 7. c. 11.

l Roſin. antiq. lib. 6. c. 18.

m Sig. de jud. lib. 2. cap. 7.

or chief Iustices had bid them, taking their name *à scribendo*. The second sort were called *Accensi ab acciendo*, from summoning, because they were to summon men to their appearance. They much resembled our Bayliffs errant. The third sort were *Lictores*; of which before. [n] The authority of the Urbane *Prætor* was so increased in time, yea his honor was such, that whatsoever he commanded, it had the name of *Ius honorarium*. [o] Others are of opinion, that onely the *Prætors* edict was that *Jus honorarium*; [p] the *Prætor Urbanus* being wont at the entrance into his office, to collect a set form of administration of justice out of the former laws and several edicts of former *Prætors*, according unto which he would administer justice all the year following: and lest the people might be ignorant of the contents thereof, he caused it to be hanged up to the publick view. This form of justice was termed *Edictum, ab edicendo, id est*, [q] *imperando*; because thereby he did command, or forbid something to be done. Whence *Pellitarius* in the place now quoted doth translate *Consulum edicta*, Mandatory letters, that it might be distinguished from other Magistrates edicts. It was commonly called *Prætoris edictū*. And as *Pighius* observeth in the place above quoted, it was called *edictum perpetuum*, not absolutely because the vertue thereof was perpetual (for that expired together with the *Prætors* office, & therefore *Tully* calleth it *legem annuam:*) but in respect of other edicts made in the middle of the year upon extraordinary and unexpected occasions, which latter sort of edicts [r] *Tully* calleth *peculiaria & nova edicta*. Afterward, [s] *Salvius Julianus* collected an Edict out of all the old Edicts of the former *Prætors*, wherein almost all the whole civil Law was contained, and this was called properly *Edictum perpetuum*, because that all the *Prætors* ever after did administer justice according to that edict, by the appointment of *Hadrianus* being then Emperor. The edict being given out, the administration of justice consisted in the use of one of these three words, *Do*,

n Feneſt. de. Rom magiſt cap. 19.

o P. Pellit. in Cic orat. pro. A. Cœcinna.

p Pigh. Æq. pet. com.

q Pellit. in Cic. orat. pro A. Cœcinna.

r Cic. in Ver.

ſ Cic. in Ver. 3.

s Sig. de jud. lib. 1 cap. 6.

Dico & Addico, id est, [a] *Dat actionem, Dicit jus, Addicit tam res, quàm homines,* That is, he is said *Dare,* when he granteth out an action or writ against a man; *Dicere,* when he passeth judgement on him; and *Addicere,* when he in the court doth see and allow the delivery of the thing or the person on wch judgement is passed. The form of Addiction was thus: After judgement had been pronounced in the Court, the party which prevailed, laid his hand on the thing or the person, against which sentence was pronounced, using this form of words, *Hunc ego hominem, sive hanc rem, ex jure Quiritium meam esse dico.* Then immediatly did the L. chief Justice *Addicere,* that is, approve the challenge, & grant a present possession. *Ant. in Fast. lib.* For explanation whereof we must know, that this word *Addico,* is sometimes *verbum Augurale,* sometimes *Forense,* sometimes a tearm of art belonging unto the discipline of the *Augures,* and so the birds are said *Addicere,* when they shew some good and lucky token, that the matter consulted about is approved by the Gods; the opposite hereunto is *Abdicere.* Sometimes this verb *Addico* is a term of law signifying as [x] much as to deliver up into ones hands, or into ones possession: whence we do not only call those goods that are delivered by the *Prætor* unto the right owner *bona addicta,* but those debtors also which are delivered up by the *Prætor* unto their creditors to work out their debt, are termed *servi Addicti.* Yea moreover because in all port-sales it was necessary that the *Prætor* should *Addicere bona,* deliver up the goods sold, hence doth this word often signifie to sell, as *Addicere sanguinem alicujus,* to take money to kill a man, to sell a mans life. Touching the reason of their name, they were called *Prætores à præeundo, quoniam jure præibant,* And [y] those alone were properly tearmed *viri Prætorii,* which had born this office, not they which were capable thereof: in the same sense we say *Viri censorii,* and *Viri Ædilitii, &c.*

[a] l. Camerar. in Cic. orat. pro Flacco.

[x] M. Toxita in orat. pro Pub. Quint.

[y] Fr. Maturantius in Philip. 13.

CAP.

Cap. 7.

De Imperatoribus, Cæſaribus, ſive Auguſtis.

WHen *C. Julius Cæſar* had overcome *Pompey* his ſons in *Spain*, at his return to *Rome*, the Senate welcomed him with new invented titles of ſingular honour, ſtiling him *Pater patriæ, Conſul in decennium, Dictator in perpetuum, Sacroſanctus*, and *Imperator*, all which titles were afterward conferred upon *Octavius Cæſar*, and all the Emperors ſucceeding deſired to be called *Imperatores & Cæſares* from him. Where we muſt underſtand that this name *Imperator* was not altogether unknown before, for by that name the *Roman* ſouldiers were wont (even at that time) to ſalute their L. General after ſome ſpeciall conqueſt. [a] Theſe *Roman* Emperours were afterward called alſo *Auguſti* from *Octavius Cæſar*, whom when the Senate ſtudied to honour with ſome noble title, ſome were of the minde that he ſhould be called *Romulus*, becauſe he was in a manner a ſecond founder of the city; but it was at length decreed by the adviſe of *Manutius Plancus*, that he ſhould be ſtiled by the name of *Auguſtus*, which we may engliſh Soveraign: and they counted this name of more reverence and majeſty then that former name of *Romulus*, becauſe all conſecrated and hallowed places were called *Loca Auguſta*. The authority of theſe Emperours was very great, even as great as the Kings in former times.

[a] Ser. Æmi lib. 6.

Cap. 8.

De principibus juventutis, Cæsaribus, & nobilissimis Cæsaribus.

[a] Rosin ant. lib. 7. cap. 3.

A Custom was received amongst the *Roman* Emperours in their life-time to nominate him whom they would have to succeed them in their Empire; and him they called *Princeps juventutis, Cæsar, & Nobilissimus Cæsar.* The like custom was practised by *Charles* the fifth Emperor of *Germany*, and so hath been continued by his successors; namely, that one should be chosen whom they called *Rex Romanorum*, who should be so far invested in the title to the Empire by the means of the present Emperor, that upon the death, resignation, or deposition of the then being Emperor, he immediately should succeed.

Cap. 9.

De Præfecto urbis.

Romulus for the better government of the City appointed a certain Officer called *Urbis præfectus*, to have the hearing of all matters or causes between the master and the servant, between Orphans and their overseers, between the buyer and the seller &c. Afterward in time of the *Roman* Emperors, this *Urbis præfectus* did assume unto himself such authority, that he would examine and have the hearing of all causes of what nature soever, if they were *Intra centissimum lapidē*, within an hundred miles of *Rome*: (for [b] *Lapis* in old time signified a mile, because at every miles end a great stone in manner of a mark stone was erected) in the absence of the King or Consuls, he had all authority which belonged unto them resigned unto him.

[b] Despauterius in sua synaxi.

I am not ignorant, that some do make this latter kinde of Prefecture, or Lieutenantship, a different office from the former; but I should rather think them to be one, and the same, onely his authority to be more enlarged in the Kings absence, and of this opinion do I finde *Feneſtella*, *Alexand. Neopl.* and [c] *Sigonius*.

[c] Sig. de jur. Rom. lib. 1. cap. 20.

CAP. 10.

De decem-viris legibus ſcribendis.

FOR the better adminiſtration of juſtice, the [d] *Romans* appointed three men, namely, [e] *Sp. Poſthumius*, *Ser. Sulpitius*, *A. Manlius*, to go to *Athens*, and other *Grecian* cities, there to peruſe the *Grecian* Laws: to the intent that at their return, both a ſupply might be made of thoſe laws that were wanting in *Rome*, and the other which were faulty might thereby be rectified and amended. At the return of thoſe three men, the Conſuls were depoſed, and both their authority and Enſigns given unto [f] ten men newly elected for the government of the ſtate, and were thence called *Decemviri*. The firſt elected into this *Decemvirat*, were, *Ap. Claudius*, *T. Genutius*, *P. Sextus*, *Sp. Veturius*, *C. Julius*, *A. Manlius*, *Ser. Sulpitius*, *P. Curiatius*, *T. Romul. Sp. Poſthumius*: all of them ſuch as had born the office of a *Conſul*. The laws which they brought from *Athens* were written at firſt in ten tables of braſs: afterward two other tables were added, at which time thoſe laws began to be known and diſtinguiſhed from others by the name of *Leges* 12 *tabularũ*. And according to thoſe laws juſtice ever after was adminiſtred to the *Roman* people: at firſt by theſe ten men appointed thereunto, whoſe authority was as large even as the Kings and Conſuls in old time, only it was annual. One of them only had the enſigns of honor carried before him, one alone had the authority of convocating the Senate, con-

[d] Feneſt. de magiſt. Rom. cap. 14.
[e] Roſin. lib. 7. cap. 9.
[f] Liv. Rer. Leg.

firming theſe decrees, and the diſcharge of all ſtate-buſineſſes, [e] the other did little differ from private men in their habit, only when the firſt had ruled a ſet time, the others ſucceeded by turns. This kinde of government did not continue long in *Rome*, for in the third year all their power was abrogated, becauſe of their tyranny and oppreſſion uſed by them towards the *Roman* people.

[e] Roſin. Ant. Rom. lib. 7. cap. 19.

Cap. 11.

De Interregiâ poteſtate.

After the death of *Romulus* [f] the Senators divided themſelves into ſeveral companies called *Decuriæ*, committing the government of the kingdom to that *Decury*, that is to thoſe ten men, upon whom the lot fell, calling them the *Interreges*: where we muſt know, that theſe ten did not rule altogether, but each man ruled for the ſpace of five days, whence [g] *Roſinus* calleth this magiſtracy *Magiſtratum Quinqueduanum*. After that five days government had paſſed through the firſt, then did they go to lots to have a ſecond *Decury* choſen, and ſo a third, &c. This of an *Interrex* remained even in the Conſuls time, ſo that if by ſome extraordinary occaſion the Conſuls could not be created, [h] then they choſe one, to whom alone they committed the whole government of the kingdom, and him they called *Interregem*.

[f] Dion. Halic. lib. 2.

[g] Roſin. lib. 6. cap. 16.

[h] Alex. Gen. dier. lib. 5. c. 6.

Cap. 12.

De Dictatore.

WHenſoever the *Romans* found themſelves encumbred with dangerous wars, or any other eminent dangers, they preſently choſe a *Dictator*

to whom alone was committed the authority and rule of the whole kingdom, differing from a king onely in respect of his name, and the continuance of his office. Touching his name he was so called, *quoniam dictis ejus parebat populus.* His office continued but six months, and at the expiration thereof, if need required, he was chosen again for another six months. He was also called [i] *Populi Magister*, in as much as none could make their appeal from him unto the people. As soon as himself was established in his office, he chose a subordinate officer, whom he called [k] *Equitum Magister*; his authority much resembled his whom they called *Urbis praefectum*: for as the *Praefectus urbis* in the absence of the King, so this *Magister Equitum* in absence of the *Dictator* had full and uncontrolable authority of doing what he would.

i Pighius in Tyran.

k Stadius in Flor. lib. 1. cap. 11.

Cap. 13.

De Tribunis militum.

These military *Tribunes* were of two sorts: The one had all power and authority, which belonged unto the Consuls; and thence were called *Tribuni militum consulari potestate.* The occasion of them was this: The protector of the Commons called *Tribuni plebis*, did earnestly labour that the Commonalty might be made as capable of the Consular dignity as the Nobility. This was followed so hot, that in the end though the Nobility would not grant them way unto that dignity under the name of *Consuls*, yet in effect they would grant it them; Namely the *Consuls* should be deposed, & in their stead other Magistrates should be chosen, part out of the Nobility, part out of the Commonalty, who though they were not called *Consuls*, but *Tribuni*, yet were they of Consular authority: by which they were distinguished from the other sort of Military *Tribunes* who had power & authority only in maters Military, & were known

l Rosin. ant. lib. 7. cap. 20.

known by the name of *Tribuni militum* without any addition. [n] Sometimes there was one of these three words prefixed, *Rutuli* or *Rufuli*, *Suffecti* and *comitiati*; not thereby to intimate unto us any distinction of office or place, but to signify their manner of election. For if they were chosen by the *Consuls*, then were they called *Tribuni Rutili*, or *Rufuli*, because they had their authority confirmed unto them by vertue of an act of law preferred by *Rutilius Rufus*, when he was *Consul*. If they were chosen by the souldiers themselves in their camp, then were they called *Tribuni suffecti*, that is, *Tribunes* substituted or put in the place of another. Whence we may conject, that the souldiers were not permitted to make any election, but in time of need, when their former *Tribunes* were taken from them by some violent or unnatural death. The last sort called *Comitiati*, were so called because they were chosen by the *Roman* assemblies called in Latine *Comitia*. They were termed *Tribuni*, because at the first institution of them (whether we understand the Consular *Tribunes*, or this latter sort) there were but three of each. In process of time notwithstanding I finde the number not only of those *Consular Tribunes*, [o] but of those other also to have been increased to six, accordingly as the thousands in a legion were multiplied. These latter sort of *Tribunes*, in respect of the military discipline, which was to see the souldiers being faulty to be punished, we may english Knights Marshall: In respect that their authority was over foot-men only, we may english them Seriants Maior: only this difference there was, to every thousand of foot-men in any legion, there were as many military *Tribunes* under their chief commander called *Imperator*. But in our English armies there is but one Serjeant Maior, who alone under the Lord General hath command over all the foot-men, be there never so many thousands.

[n] Alex. Gen. dier. l. 6. c. 18.

[o] Rosin. ant. lib. 7. cap. 10.

CAP.

Cap. 14.

De Triumviris Reipub. constituenda.

THis tyranny of the *Trium viratus* began by a conspiration between *Augustus Cæsar*, *Antonius* and *Lepidus*: For these three under the pretence of revenging *Jul. Cæsar* his death obtained chief power and Authority for the space of five years throughout *Rome*,[p] pretending that they would settle the Common-wealth, which at that time by reason of *Jul. Cæsars* death was much out of order. Those five yeares being expired, they refused to resign their Authority, exercising excessive cruelty towards all the *Romans* of what degree soever.[q] This kinde of government remained but ten yeares, neither ever were there any other then those three above-named. They had power to enact any new law, to reverse any former Act, without the consent of the Senate or Commons. They might proscribe and banish any *Roman* at their pleasure, and as often as we read *de Triumviratu* simply without any adjunction, or *de Triumviratu Senatus legendi*, we are to understand it of this, though some upon unsure grounds do dis-joyn them.

[p] Fenest. de mag. Rom. cap. 21.

[q] Suet. Octav. Aug. cap. 27.

Cap. 15.

De Quæstoribus Ærarii.

THIS office of the *Quæstors* seemeth not unlike to a publike Treasurer's, which collecteth the subsidies, customes, money, yearly revenews, and all other payments belonging to any state or corporation. And hence *quoniam publicæ pecuniæ quærendæ præpositi erant*,[r] they took their name *Quæstores*. Sometimes they are called *Quæstores Urbani*, to distinguish them from the Provinciall *Quæstors*,

[r] Fenest de Rom. magist. cap. 3.

which bare office in the *Roman* Provinces: ſometimes they are called *Quæſtores ærarii*, to diſtinguiſh them from thoſe that were called *Quæſtores paricidii*, or *rerum capitalium*, of which you may ſee more in the tract *de Prætoribus*. Laſtly they were called *Quæſtores ærarii*, to diſtinguiſh them from the *Tribuni ærarii*, .i. thoſe Martial Treaſurers, or Clerks of the band, which did receive the ſouldiers pay from theſe city-Treaſurers, and ſo pay it to the ſouldiers. The office of thoſe city-Treaſurers (then being at firſt but two) was to receive all the City accounts; to diſburſe at all occaſions of publike expenſes; to take an oath of him that the ſouldiers had ſaluted by the name of *Imperator*, that he had truly informed the Senate both of the number of enemies ſlain, as alſo of the number of Citizens loſt: otherwiſe he might bar the Emperor of his triumph. Moreover whatſoever ſpoiles were taken in war, they were delivered up unto theſe City *Quæſtors*, and they ſelling them, laid up the money in the great Treaſure houſe called *Ædes Saturni*.

z Sig. de jur. Rom. l. 2. c. 8.

CAP. 16.

De Tribunis Plebis

THE *Roman* Commonalty finding themſelves oppreſſed by the wealthier ſort, departed unto the *Aventine* Mount, threatning the *Roman* Nobility, that they would forſake the City, and never again adventure themſelves in war for the defence thereof, unleſſe they did finde ſome releaſe and caſement from thoſe exceſſive payments of uſe and intereſt unto their Credirors: yea beſide the remiſſion of their preſent debts, before they would return unto their City again, they would have certain Magiſtrates choſen, which ſhould be *Sacro-ſancti*, that is, ſuch as might not be hurt or violently uſed, not ſo much as in word, and if any had violated that law, whereby they were made *Sacro-*

a Rolin. epit. rerum. Rom.

x Roſin. ant. l. 7. c. 25.

ſanct

ſancti, then was he accounted *homo ſacer*, that is, an excommunicate perſon, or ſuch an one whoſe ſoul ſhould be vowed unto ſome God; inſomuch that if any after had killed him, he ſhould not be liable unto judgement, *quoniam illius anima diis devota amplius humani commercii non ſit.* To thoſe Magiſtrates the protection of the Commons was committed, who becauſe they were at firſt choſen out of the *Military Tribunes*, therefore did they always retain the name of *Tribunes*, being ſo called that they might be diſtinguiſhed from the others *Tribuni Plebis*, Protectors of the Commons. At the firſt inſtitution of them, they were in number but two, as [z] ſome have thought; [a] others ſay five: afterward (as it is yeelded by all writers) they increaſed unto ten. Their authority at firſt conſiſted chiefly in this, that they had power to hinder any proceedings in the Senate, which they thought might prove prejudiciall unto the Commons, ſo that they had not authority to enact any new decrees, as afterward by abuſing their authority they did. [b] *Sed eorum authoritas magis in intercedendo quàm jubendo.* And hence was it that in old time theſe protectors of the Commons were not permitted to come into the Senate: but [c] they ſate without at the dore, whither whatſoever was determined within the Senate was ſent unto them to be peruſed by them, and if they did approve it, then did they ſubſcribe a great *Roman* T. being the firſt letter of this word *Tribuni*. [d] The houſes of theſe Tribunes ſtood open night and day, as a common refuge or place of ſuccor for all that would come; [e] neither was it lawfull for them to abſent out of the town one whole day throughout the year.

z Alex. Gen. dier. l. 6. c. 14. Roſin. ant. lib 7. cap. 23.

y Pighius in ſuo Tyrannifug.

a Pomp. Læt.

b Stadius in Flor. l. 3 c. 2.

c Pigh. in ſuo Tyrannifug.

d Roſin. ant. Rom. lib 7. cap. 23.

e Pighius in Tyrannifug.

Cap. 17.

De Ædilibus, & Præfecto annonæ

WE may reade of three ſorts of *Roman* Magiſtrates called *Ædiles*, the two firſt had their name *ad*

ædibus curandis, having in their charge to repair both temples and private dwelling houſes which belonged unto the city. The firſt ſort were called *Ædiles curules*, *à ſella curuli*, from the chair of ſtate, wherein it was permitted them to ride, and theſe were choſen [f] out of the *Senators*. The ſecond ſort were called *Ædiles plebeii*, and they were added unto the former at the earneſt ſuit of the Commons, they being to be choſen out of them. Where we muſt note that they were not ſo added, that both ſorts ſhould rule at one and the ſelf ſame time, [g] but that the *Curules* ſhould rule the one year, and the *Plebeii* the other. To theſe *Ædiles* it did belong, beſides the reparations of Temples and private houſes, to look unto the weights and meaſures in common ſale: for they had power to examin *Actiones redhibitorias*, that is, ſuch actions, by vertue of which he that had ſold any corrupt or ſophiſticated wares, was conſtrained to take them again. Moreover they had the charge of the publike conduit or water conveiances, of proviſion for ſolemn playes, *&c.* Of the third ſort there were alſo two, who were in a manner Clarkes of the market: [h] For unto them belonged the looking unto the victuals ſold in the market, and corn: Whence they were called by them *Ædiles cereales*, and [i] by the Greeks ἀγορανόμοι. This office for ought that can be collected out of thoſe that treat of it, differeth but little from his, whom the *Romans* called *Annona præfectum*, only this, the *Ædiles cereales* were *Magiſtratus ordinarii*, the *Præfectus*, *extraordinarius*, namely [k] ſuch as was choſen only in time of extraordinary dearths: he having for that time larger Authority then thoſe ordinary Clarks of the market. For as it appeareth by *Roſinus* in the place now quoted, this *Præfectus* had power of himſelf to examine all ſuch caſes or queſtions as ſhould ariſe touching the dearth: as ſuppoſe the hoarding of corn, fore-ſtalling the market, &c.

f Pilet. in l. 2. Cic. epiſt. fam. 10.

g Alex. Gen. di. r. l. 4 c. 4.

h Alex. Gen. ibid.

i Pighius in ſuo tyrannif.

k Roſin. antiq. l. 7. c. 38.

CAP.

CAP. 18.

De Triumviris

BEſide that *Triumviratus Reip. conſtituendæ*, of which we ſpake before, there were divers kindes of *Triumviratus*, namely *Triumviri capitales*, three high Sheriffs, who had the charge of priſons, and were to ſee malefactors puniſhed. For which purpoſe eight *Lictors* did attend them. There were alſo[l] *Triumviri Mineralii*, three men, we may term them Bankers, who had Authority to pay out of the common Treaſury poor mens debts. Sometimes there were appointed five to this office, whence they were called alſo[m] *Quinq; viri Menſarii*, both being called *Menſarii* from *Menſa*, a Table whereon they told their money. Another ſort of *Triumviri* there were appointed to preſſe ſouldiers, whence they were called *Triumviri conquirendi juvenes i. dictos ad arma ferenda*. We reade alſo of certain *Triumviri*, which were elected as chief Captains to guide and conduct the people in tranſplanting Colonies, and thence were they named *Triumviri coloniæ deducendæ*; but ſometimes for this purpoſe they elected ſeven, ten, or twenty, and ſo named them *Quinq; viri, Septemviri, Decemviri*, and *Vigintiviri Coloniæ deducendæ*. Three other ſorts of *Triumviri* remain, which were Officers of ſmall account, as the *Triumviri monetales*, three Maſters of the Mint, who thence were called *Triumviri, A.A.Æ.F.F.* that *Auro, Argento, Ære, Flando, Feriundo*, for they had the charge of coining the money. Secondly, *Triumviri valetudinis*, Three Peſt men, which were to overſee thoſe that lay infected with any contagious ſickneſſe. Thirdly,[n] *Triumviri nocturni*, three Bell-men which were to walk the town at night, and to give notice of fire.

l Alex. Gen. dier. l. 3. c. 16.

m l. Camerar. in orat. Cic. pro Flacco.

n Alex. Gen. dier. l. 3. c. 16.

Cap. 19.

De Præfectis Ærarii.

Auguſtus Cæſar deſiring for the better ſafety of the City to maintain many bands of ſouldiers, which ſhould alwayes be in readineſſe for the defence of the City, deſired of the City a yearly ſubſidie for the maintenance of thoſe ſouldiers: but being denied it he built a certain Treaſure-houſe which he called *Ærarium militare*, where into he caſt his money for himſelf and *Tiberius*; and promiſed to do ſo every year. Afterward when he ſaw the Treaſury not to be inriched enough, either by that money which himſelf beſtowed, or by the contributions of others, he appointed that the twentieth part of all inheritances and legacies (except it were to the next of the kin, or to the poor) ſhould fall unto this Treaſury. For the charge and cuſtody hereof he appointed three of thoſe ſouldiers which alwayes attended about him for the ſafeguard of his perſon, calling them *Præfectos Ærarii*.

Cap. 20.

De Præfecto Prætorio.

ALL Captaines and Governours to whom the rule of any Army belonged were in ancient time called *Prætores*: This word *Prætor* ſignifying then three chief officers among the *Romans*; firſt a Conſul, ſecondly a L. chief Juſtice, thirdly a L. Generall in war; all of them being called [q] *Prætores, quaſi Præitores, quoniam jure & exercitu præibant.* Anſwerable to which three-fold acception, this word *Prætorium* hath three ſeverall ſignifications: ſometimes it ſignifieth a Princes place or Mannor-houſe, ſometimes

[o] Pancirol. in notitiam imper. orient. c. 5.
[p] Pighius in Æquipet. compoſ.

times a great hall or place where judgement was wont to be given, and lastly the L. General his pavilion in the camp; [q] from which last signification it is, that those souldiers that give attendance about that pavilion for the guard of their Captaines person, are sometimes called *Milites Prætoriani*, sometimes *Cohors prætoria*.[r] And he to whom the oversight of the souldiers was committed, was thence called *Prætorio præfectus*.

[q] Asconius in Verrinam.

[r] Fr. Sylv. in Catil. 2.

Cap. 21.

De Advocato fisci.

FOR the right understanding of this office, we must first note a difference between these two words, *Ærarium* and *Fiscus*, *Ærarium* was a common Treasury belonging to an whole state or corporation, whence all publike and common expences are to be supplied. *Fiscus* was the Kings or Emperors private coffers: it may be englished the Kings Exchequer. The keeper thereof was called *Advocatus Fisci*. There are many other petty offices within the City which I have purposely omitted, because there is but seldome mention of them in old Authors, and as often as they are mentioned, their names do explain their office.

Cap. 22.

De præcipuis Magistratibus provincialibus.

OVer the Provinces at first ruled certain Magistrates sent from *Rome*, by Commission from the *Roman* Senate, called *Prætores*, whose office was to administer justice unto the Provinciall inhabitants, yea, and if occasion served, to make war also upon their enemy, and this was the reason that the numbers of the *Prætors* did so increase alwayes

alwayes, namely according as the number of Provinces did increase. The wars and tumults in the Provinces sometimes were so great, that the *Prætor* was not sufficient both to manage war and execute justice: whereupon the Senate thought fit to send another Magistrate into the Provinces, whom they called a *Consul*, because properly the managing of war belonged unto the *Consul*, so that there were at first two ordinary Provincial Magistrates, a *Consul* to manage war, and a *Prætor* or L. chief justice to sit in judgement. And if these two by a second grant from the *Senate* did continue in their office above the space of a year, then were they called *Proconsules, & Proprætores*. But in processe of time this custom was altered: For then none could be *Proconsuls*, but those alone who had been *Consuls* in *Rome*; neither could any be *Propretors*, which had not been *Prætors* at *Rome*. Their manner being, that the next year after the expiration of their offices in *Rome*, they should depart into some certain province, to bear the same offices again, being not called *Consules* or *Prætores* as before, but [f] *Proconsules & Propræ-tores*: and for this cause alwayes so soon as the *Consuls* had been created the *Senate* did appoint certain Provinces for the *Consuls*, which being appointed, the *Consuls* did either agree between themselves, who should go to the one, who to the other, and that was termed *comparare provincias*; or else they did decide the question by lots, and that was termed *sortiri provincias*: howbeit, sometimes the *Senate* did interpose their authority, and dispose the same. Under the Emperors the Governours of some Provinces were appointed by the *Senate*, and the people, and those were called *Proconsules*, and the Provinces, [g] *Provinciæ Consulares*: others were appointed by the Emperors, and they were called *Propræ-tores*, and the Provinces *Prætoriæ Provinciæ*. For all this which hath been noted touching the Provincial Magistrates, it is almost *verbatim* translated out of [h] *Rosinus*. To which we add this, namely that every *Proconsul* and *Propretor* did usually

[f] Alex. Gen. dier. l 3. c. 3.

[g] Camerar. pro L. Flacco.

[h] Rosin. ant. lib. 10. c. 24.

uſually chooſe a Lieutenant ſuch a one as ſhould be aſſiſtant unto him in matters of government, whom they called *Legatum*, ſo that this word *Legatus* ſignifieth three ſeverall Magiſtrates amongſt the *Romans*, two whereof may be proved out of [y] *Sigonius*: firſt that it ſignified ſuch a Lieutenant, or L. Deputy under a *Proconſul*, or *Proprætor* in a Province. Secondly, that it ſignified ſuch a one as is imployed in the delivery of a meſſage or embaſſage from one Prince or State to another; we commonly call them **Embaſſadors**. Laſtly, it ſignified a Lieutenant or chief Captain in war, whoſe place was next under the L. Generall. His office at the firſt inſtitution, was not ſo much to rule or command, as to aſſiſt the L. Generall in Couuſell; whence *Polybius* commonly joyneth theſe two together, πρεσβυτὰς καὶ συμβούλους, that is, *Legatos & Conſiliarios*, that the latter word might expound the former. *Lipſ. de mil. Rom. l. 2. dial.* 11. Moreover every *Proconſul* and *Proprætor* had with them certain Treaſurers called *Quæſtores provinciales*: Theſe provinciall Treaſurers [a] were choſen by the *Roman* people commonly, namely ſuch a number as the number of provinces did require. After the election, they between themſelves did caſt lots who ſhould go unto the one, who unto the other provinces: [b] ſometimes extraordinarily by vertue of ſpeciall act or decree, this or that ſpecial man hath obtained this or that Province without any lottery. By the way we muſt note, that all Provinciall *Quæſtors*, could not be called *Proquæſtors*, as all Provinciall *Conſuls* and *Prætors* were called [c] *Proconſules* and *Proprætores*: [c] For theſe onely were called *Proquæſtores*, which did ſucceed theſe Provincial *Quæſtors*, when they did either die in their office, or depart out of the Province, no ſucceſſor being expected from *Rome*; at which times it was lawfull for the *Proconſul* or *Proprator* to chooſe his *Proquæſtor*. Moreover there were beſide theſe *Legati & Quæſtores*, [d] other military officers, ſuch as are the *Tribuni militum*, *Centuriones*, *Præfecti*, *Decuriones*, together with other inferiour officers, as their Secretaries, Bayliffs, Cryers, Serjeants, and ſuch like.

x Pomp. Læt. de mag. Rom.

y Sig de jure prov. l. 2. c. 2.

a Sig. de jure Prov. l. 2. c. 3.

b Sigon ibid.

c Roſin antiq. Rom. l. 7. cap. 45.

d Sig. de jure Prov l. 2. c. 2.

LIB 3. SECT 3.

Of the Roman *Puniſhments.*

CAP. 1.

Supplicia, Mulcta, Lex Ateria, Tarpeia, Ego eo unum ovem mulctam dico, &c,

TOuching the military puniſhment, which belonged to the military diſcipline, it ſhall be treated of in its proper place. Here only of the city diſcipline, and the uſuall puniſhments excerciſed therein, which we may divide thus. Puniſhments publikely inflicted on malefactors are either *Pecuniary mulcts*, or *Corporall puniſhments*: the *Pecuniary mulcts* were of two ſorts; either an appointed ſum of money was required of the party guilty, and then it was called *Mulcta*; or his whole eſtate was ſeiſed on, and then it was termed a *Confiſcation* of his goods. The *Mulct* was two fold, the one termed *Mulcta ſuprema*, the other *Mulcta minima*. Of both theſe [a] *Gellius* writeth thus, *ſuprema mulcta erat duarum ovium, & triginta boum, pro copia ſcilicet boum, & penuria ovium, ſed cùm ejuſmodi mulcta pecoris, armentiq; à magiſtratibus dicta erat, adigebantur boves oveſq; alias pretii parvi, alias majoris, eaq; res faciebat inæqualem mulctæ punitionem; idcirco poſtea lege Aterià conſtituti ſunt*

[a] Gellius, lib. 11.

sunt in oves singulas æris deni, in boves æris centeni: Minima verò mulcta fuit ovis unius. Moreover as he observeth in the same place, whensoever the Magistrate did set a fine or mulct vpon the offenders head, he used the word *Ovis* in the Masculine gender, as *Ego eiunum ovem mulctam dico, &c.* The law which *Gellius* calleth *Ateriam legem*, [b] *Festus* calleth *legem Tarpeiam*, because *Aterius* enacted it, when he was Colleague or fellow-Consul with *Tarpeius*. Likewise we may take notice of the clemency used in those times. It was provided by the law, that seeing there was greater plenty of Oxen then of sheep, and to be fined an Ox, was not so much as to be fined a sheep, therefore the Magistrate pronouncing the fine [c] *Bovem prius quàm Ovem nominaret, ut innotesceret Romanis mitiores semper pœnas placuisse.*

b Festus in voce pecular.

c P. in lib. 18. cap. 3 It. Alex. ab. Alex. lib. 3. cap. 5.

CAP. 2

Capitis diminutio, maxima, media, minima, Aqua, & Igni interdici, Proscriptio, Lata fuga, Deportatio, προγράφειν, στηλιτεύειν, Ærarii, In ærarios relati, Religatio, Lanii cum tintinnabulis.

THe corporal punishments are either such as were *Capital*, depriving a man of his life: or *Castigatory*, such corrections as served for the humbling and reforming of the offender, or for the destroying of him. *Capital* punishments were sometimes taken in a civil acception, for the loss of freedom, which the *Romans* called *capitis diminutionem*, Disfranchising, because in every Free-man thus disfranchised, one head of the corporation was as it were cut off: sometimes it is taken for the loss of ones life, and this they called *Vltimum supplicium*. That disfranchising called *Capitis diminutio*, was [d] threefold. *Maxima, Media, & Minima.* The least degree was, when the *Censors* pulled a man from

d Rosin. ant. lib. 9. cap 3.

an higher Tribe, down to a lower and leſſe honourable, or when by any cenſure they diſabled a man from ſuffraging, or giving his voyce in the publike Aſſemblies: ſuch as were thus in the laſt manner puniſhed, were tearmed *Ærarii*, and *In ærarios relati*, [e] *quia omnia alia jura civium Romanorum præterquam tributi & æris conferendi amiſerunt.* This kinde of puniſhment, as it may ſeem, was many times exerciſed for irreverend geſture, or ſpeeches uſed by ſuch as were queſtioned by the *Cenſors*. Three ſeverall examples are noted by [f] *Gellius*; the laſt is this, *P. Scipio Naſcica & M. Pompilius* being *Cenſors*, taking a view of the *Roman* knights, obſerved one of them to have a lean ſtarvling horſe, himſelf being fat and in good plight, whereupon they demanded the reaſon why his horſe was ſo lean, himſelf being ſo fat: his anſwer was, *Quoniam ego, inquit, me curo; equum Statius meus ſervus. Diminutio media*, was an exilement out of the [g] city, without the loſſe of ones freedome: [h] It was commonly ſet down in this form of words, *Tibi aquæ & igni interdico.* And it ſeemeth by [h] *Cælius Rhodiginus*, to be all one with that kinde of baniſhment, which the *Romans* called *proſcriptio*, though it cannot be denied but that *Proſcriptus* ſometimes ſignifieth only ſuch a one whoſe goods are ſet at ſale to ſatisfie his creditors, becauſe he will not appear in the Court: the form thereof is thus, The creditors having obtained leave of the Lord chief-Juſtice to proceed in this manner, they committed the ordering of the ſale to one principal Creditor, and he was called ſimply *Magiſter*, and he in the name of all the reſt ſolemnly proclaimed in the chief places of the City in forme as followeth, [i] *Ille debitor noſter in ejuſmodi cauſa eſt, ut bona ejus divendi debeant, nos creditores patrimonium ejus diſtrahimus, quicunque emere volet, adeſto.* But for the reconciling of both opinions, we may term the firſt to be *Proſcriptionem hominum*, the other *Proſcriptionem bonorum*: wch diſtinction being not obſerved, breedeth a great confuſion in the Authors that treat of this puniſhment; and becauſe

e Sig. de jure Rom. lib. 1. cap 17.

f A Gel. noct. Attic. l. 4. c 17

g Camerar. in orat. Cic. pro Muræn.

h Cœl. Rhod. lib. 15. cap. 17

i Roſin. ant. lib. 9. cap. 12.

becauſe both were performed by ſolemn and publike proclamations, hence the name *proſcriptio* agreed as well to the goods confiſcated, as to the perſons baniſhed: according to that, [k] *Quoniam eorum nomina in publico ſcribebantur, hinc proſcribi dicebantur.* Hence the [l] *Grecians* uſed not only the word προγραφειν, but alſo συγγραφειν, to ſignifie the act of *proſcription*, becauſe they wrote in a publike pillar the faults and offences of ſuch as were thus baniſhed. But to proceed without farther digreſſion. *Diminutio maxima* was the loſſe both of the city, and the freedome; and this I take to be the ſame which in other times was called *Lata fuga*, or *Deportatio*, namely a perpetuall exilement: all ſtanding in oppoſition to that other kinde of baniſhment, called *Relegatio*, which was the exilement * only for a ſeaſon, happily for 5 years &c. ſee *C. Rhod. lib.* 10. *cap.* 5. Though I deny not but that *lata fuga* was ſo called, not only in reſpect of the duration of time, it being a perpetuall baniſhment, but alſo in regard of the places ſo generally prohibited, [m] for he that was thus baniſhed, was tyed and limited to one peculiar countrey, all other places in generall being forbidden him. Thoſe puniſhments that deprived of life in ordinary uſe, and of which there is moſt frequent mention in *Roman* Authors, are theſe which follow, *Furca, Crux, Carcer, Culeus, Equleus, de rupe Tarpeia dejectio, Scalæ, Gemoniæ, Tunica, Damnatio in gladium, in ludum, ad beſtias.* In generall we are to note, that the execution was without the gates of the city, to prevent the noiſomneſſe which ſuch abundance of blood might occaſion, [n] for which reaſon the executioner dwelt without the City. Likewiſe thoſe that were adjudged to death when they went to the place of execution a certain little bell was tyed about them, that by the ſound thereof, the people might beware of touching the condemned perſon, becauſe the very touch of him was counted a kinde of pollution: this [o] *Turnebus* obſerveth out of *Zonaras*, and from hence the executioners are called [p] *Lanii cum tintin-*

[k] Fr. Matur. in Philip. orat. 5.
[l] Suidas in voce συλλ.

* Adde quod edictum quivis immite minaxq; Attamen in pœnæ nomine lene fuit; Quippe relegatus, non exul dicor in illo. Ovid de triſt. lib. 2. Eleg. 1.

[m] Tholoſan. ſyntag jur. univerſ. lib. 31.
[n] Plaut. Caſ. 2. 6.

[o] Turn. adv. lib. 11. c. 21.
[p] Plaut. pſeud. lib. 3.

cum tintinnabulis. And for this reason [g] it was, that a little bell and ſcourge was hanged up in the hindmoſt part of the chariot, wherein the Lord general did ride in his triumph, a publike Officer which rid with him in the ſame chariot, now and then plucking him behinde, and bidding him look back, uſing this form of words, [f] *Reſpice poſt te, hominem memento te*, that is, Sir look behinde you, remember your ſelf to be but a man. For the ſight of the ſcourge and bell ſerved to put him in minde, that notwithſtanding his preſent triumph and acclamations, his after-miſeries might be ſuch, that he might be puniſhed not only with whips, but even with death it ſelf.

[g] Roſin. antiq. lib. 10. cap. 29.

[f] Tertul. Apolog. cap. 33.

Cap. 10.

Furca, Furcifer, Supplicium more Majorum, σκευμα.

ANcient Authors which do write of the *Roman furca* do rather mention it, then explain it, but if we diligently obſerve what they ſpeak of it, we ſhall finde the uſe thereof to have been three-fold. The firſt ignominious, which [a] was when the maſter forced the ſervant for ſmall offences *furcam circa urbem ferre*, to carry this *furca* upon his ſhoulders about the city, confeſſing his fault, and admoniſhing others to beware of the like offence, and [b] hence ſuch a ſervant was afterward called *furcifer*; and here I think was uſe of thoſe *ſtimuli* or goads whereof I ſhall ſpeak more in the chapter following; namely that when the party thus to be puniſhed dragged back, and ſhewed himſelf unwillingly, then did the Executioner prick him forward with theſe kinde of goads. The ſecond ſort was penal, when the party having the *furca* on his neck, was led up and down the Cirque, or ſome publique place, and on the way to be whipt but not unto death, [c] thus *C. Matienus damnatus ſub furca diu virgis cæſus erat, & ſeſtertio nũmo veniit.* He was after-

[a] Iſidor. orig. lib. 10.

[b] Plutarch. in Coriol.

[c] Epit. Livii dec. 5. lib. 6.

afterward sold, and therefore died not under the punishment. The third sort was penal too, but in a higher degree; namely, when the malefactor having his head fastened to the *furca*, was whipt under it unto death; and this was by a peculiar name called [d] *supplicium more majorum*. This yet differed from that beheading with an ax, which was in use among the *Romans*, and called by the *Grecians* πελεκισμὸς from πελεκὺς signifying an ax or hatchet; it differed I say from this, because howsoever there were in this σταυρῷ προσδέσις, a tying the party to a stake, or post, and also μαστίγωσις, a whipping, in both which it agreed with the former pnnishment; yet herein they differed, because in the former they were whipped to death, in the latter they were after their whipping beheaded with an ax, as appeareth by the [e] execution of *Antigonus* the King of the Jews. But to proceed in the description of the *furca*, the form thereof I take to be like the beam of a wayne unto which the yoaks are fastened; it resembleth a forke, and the *furca* is called ξύλον διπλοῦν, δικροῦν, δίδυμον, *id est, lignum duplex, bicornutum, geminum*, in english a forked piece of timber; there is no such piece through the whole wayne, as the form of waynes is in these times, but onely the beam thereof. [f] *Plutarch* treating of the *furca*, saith that it is ξύλον ἁμάξης ᾧ τὸ ῥυμὸν ὑπορείδουσι, that is, a piece of timber abont the wagon or wayne, wherewith they upheld the beam, and he addeth, that what the *Grecians* call ὑποστάτιν and στήριγμα, the *Romans* call *furca*: now *Hesychius* describeth στήριγμα to be τὸ δικροῦν ὃ περὶ ὑπογιθέασι τῷ τῆς ἁμάξης ζυγῷ, that is, the forked piece of timber, which they put under the yoak of the wayn; correct *Plutarch* by *Hesychyus*, and for τὸν ῥυμὸν read τὸ ζυγὸν, and you have in both, the description of the beam in the wayne. Some think that *Plutarch* compareth the *furca* to certain forked pieces of timber, wherewith the wayne was upheld whiles it was unloaded, but how this can stand with *Hesychius* his description of στήριγμα, I am yet to learn; notwithstanding if we admit this interpretation, that which

d Sueton. in Ner. 49.

e Dion. lib. 49.

f Plut. in Coriol.

which I would hence inferr, is rather confirmed, then any way weakned: namely that the form of the old *Roman furca* was forked; neither do there appear any testimonies so evident to me, as to perswade that among the ancient *Romans* any other was in use: True it is that in after ages the form thereof was the very same with our Gallowses which are now in use, and this happily began, when the use of crucifying was interdicted, which interdiction we read first to have taken place in [g] *Constantines* time.

g Sozom. Eccles. hist. lib. 1. cap. 8.

CAP. 4.

Crux, Servile supplicium. Titulus.

CRucifixion hath been a punishment in ancient use among the *Romans*; it was abrogated by *Constantine*. It was a death that commonly servants were sentenced unto, seldome times free-men, whence it is many times noted out by the name of *servile supplicium* by *Tacitus*: yet [h] sometimes free-men, though of the baser sort, and for notorious offences, were adjudged to this kind of death; nay a clear example hereof we have in that [*] Guardian which *Galba* crucified, for poysoning his ward, for the Guardian calling for the benefit of the law, & avouching in his plea, *That he was a Roman citizen*, *Galba* as if he would allay his punishment with some comfort & honour, commanded the crosse already made to be changed, and another to be reared far higher then the ordinary, and the same laid over with a white colour. Those which were thus to be punished, they bore their crosse upon their shoulders to the place of execution. [i] *Malefici cùm ad supplicium educuntur, quisq; suam effert crucem.* [k] *Artemidorus* is as plain ἔοικε γὰρ καὶ ὁ σταυρὸς θανάτῳ καὶ ὁ μέλλων προσελεύσθαι, πρότερον αὐτὸν βαστάζει, that is, The crosse is like unto death, and he which was to be crucified did first bear it. The party that suffered this kinde of death was first stripped

h Vid. Lips. de cruce. lib. 1. cap. 11.
* Suet. Galb. 9.
i Plut. de sera numinis vind.
k Vid. Lips. de cruce. l. 2. cap. 5.

ped of all his cloaths, for he suffered [l] naked; then was he fastened unto the crosse, and that commonly with nails, the Greek word προσηλωσις clearly evinceth as much, we may render it *Clavifixio*. Now that the equity of the proceeding might clearly appear to the people, the cause of his punishment was written in capitall letters, hence [m] *Dio* speaketh of a servant dragg'd to the crosse, ᾧ γράμματα τινὰ αἰτίαν τῆς ἁμαρτίας δηλοῦντα, that is, with letters declaring the cause of his death. This inscription was called αἰτία, *Math.* 27. 37. It was also called τίτλος, *John* 19. 19. from the latin word *titulus* used in the same sense. And sometime ἐπιγραφὴ τῆς αἰτίας, *Mar.* 15. 26. or simply ἐπιγραφὴ, *Luc.* 23. 38. [n] *Tertullian* & [o] *Suetonius* calleth it *elogium*. The like kind of publishing the cause, either by an inscription, or by the voyce of a common crier was not unusual in other capital punishments, as *Attalus* the Martyr was led about the Amphitheatre, πίνακι αἰτίαν προφέροντος, ἐν ᾧ ἐγέγραπτο ῥωμαϊστὶ, οὗτός ἐστιν Ἄτταλος ὁ χριστιανός. i. A table being carried before, it which it was written in Latine, *This is Attalus the Christian*. That of [q] *Suetonius* is not much unlike, *Patrem familias detractum è spectaculis in arenam canibus objecit, cum hoc titulo, Impiè locutus Parmularius*. What is meant in this place by *Paterfamilias* & *Parmularius*, hath been already declared in the chapter of Spectacles. Moreover such as were to be crucified, they were also whipt before they suffered. That same *horrendum carmen* clearly evinceth as much; the parts whereof are two: First, [r] *Verbera intra aut extra pomerium*; Secondly, *Arbore infelici suspendito*. This whipping was sometimes *sub furca*, for this [s] *Valerius* is plain, *Cum servum suum verberibus mulctatum sub furca ad supplicium egisset*: sometimes *ad columnam*. *Artemidorus* is clear in this, ἀφηρέθεις πολὺς ἐλαβε πληγὰς, that is being tied to the pillar, he received many stripes. Happily [t] *Plautus* alludeth to the same,

abducite hunc
Intro atq; adstringite ad columnam fortiter.

[l] Artimed. lib. 2. 51.

[m] Vid. Lip. de cruc. l. 2. c. 11.

[n] Apol. c. 11.

[o] Suet in Cal.

[p] Euseb eccl. hist lib 5. c. 1.

[q] Suet. Domit. cap. 10.

[r] Liv. lib. 1.

[s] Valer. Max. l. 1. c. 7.

[t] Plaut. Bacc.

Yea the ancient[y] *Fathers* say that our blessed Saviour was thus whipt: touching the place or manner the Scripture is silent, only that he was whipt it testifieth, & that with scourges. Τὸν Ἰησοῦν φραγελλώσαντες παρέδωκαν τῷ σταυρῷ, *Mat.* 27. 26. This fore-whipping I take to bee a matter unquestionable, but that they should be whipt on the way towards the place of execution, I much doubt, much more that they should bee goaded on the way with pricks and goads by the executioner. That there was[u] *stimuleum supplicium*, a kinde of punishment with pricks and goades is evident, and hence commeth that phrase *Stimulo fodere*, and hence that other phrase kicking against the pricks: Parallell to which is that of *Plaut. Truc.* 4. 2. *Stimulos pugnis cædere*. But this kinde of punishment I take to have been exercised only by Masters towards evill servants, and that not as preparatory to death, but for their reformation in future times: whence by way of contempt, a servant thus handled was termed[x] *Carnificinum cribrum*, because he had his back so boared with those pricking instruments, that it looked like a sieve full of holes. Otherwise, if we understand it as a punishment imposed by publike authority, we may say, that thereby is denoted a certaine punishment, exercised towards theeves in time of their examination, that by the pricking and goading of them, the truth might be confessed,* for to that end theeves were thus tortured, and thence were they called *Centrones*, from κέντρον *Stimulus*. Lastly, we must remember that these three words *Furca*, *Crux*, and *Patibulum*, are many times used promiscuously, signifying the whole crosse on which malefactors suffered, but in strict propriety of speech, *Furca* signifieth that forked instrument of which we treated in the former Chapter; *Crux*, that erect part of the crosse standing upright; and *Patibulum*, the thwart piece of timber upon the top of the crosse: yet sometimes also *Patibulum* is taken for the *Roman Furca*, whence *Patibulatus* and *Furcifer* are used as words æquivalent, and in both senses it may borrow its

y Prudentius Hieronym Beda vid. Lipſ. de cruce l. 2. c. 4.

u Plaut. Mil. 2. 6.

x Plaut. Moſt.

* Cœl. Rhod. lect. antiq. l. 10. c. 5.

its name from *Pateo* to lay open; becauſe as the malefactors hands were ſpread abroad being faſtned to the thwart piece of timber upon the top of the croſſe: ſo were they likewiſe ſpred abroad under the *Furca*, his two hands being tied to the two forked ends thereof.

Cap. 5.

Carcer, Ergaſtulum, Tullianum, Robur, Mala manſio, Nervus, Collumbar, Numella, Codex.

HOwſoever *Carcer* and *Ergaſtulum* are uſed promiſcuouſly by modern writers, yet if we diligently enquire into each words origination, and how they have been uſed by more ancient Authors, we ſhall finde them thus differenced: *Ergaſtulum* was a priſon much reſembling our houſe of Correction, into which ſervants only were caſt; *Carcer* a more publike priſon, unto which men of better rank and faſhion upon juſt occaſion were committed. Secondly, the power of ſentencing any ſervant to the *Ergaſtulum*, was proper and peculiar to the Maſter of the ſervant, without approbation from publique Authority, but the power of committing to the priſon called *Carcer*, was only in the publique Magiſtrate. Thirdly, *Ergaſtulum* took away only the liberty and pleaſure of life: *Carcer* life it ſelf. The word *Carcer* hath his name *à coercendo*, from reſtraining men of their liberty. [a] It had two principall parts, the one called *Tullianum*, the other *Robur*, beſides many other roomes wherein men were kept cloſe priſoners: thoſe two places were aſſigned for execution. In that which they called the *Tullianum* (we may engliſh it Dungeon) they ſtrangled malefactors. [b] It had its name from *Servius Tullius* a *Roman* king the firſt inventor and Author thereof. Of this *Saluſt* writeth, *Eſt locus in Carcere quod Tullianum appellatur, ubi paulatim*

[a] Sig de jud. lib. 3. c. 17.

[b] Sig. bid.

tim aſcenderis ad lævam circiter duodecim pedes humi depreſſus, eum muniunt undiq́, parietes, atq́, inſuper camera lapideis fornicibus juncta ſed inculta, tenebris, odore fœda, atq́, terribilis ejus facies eſt. In that other place which they called commõly *Robur*, ſometimes[c] *Robuſtus Codex*, ſometimes[d] *Cuſtodia lignea*, ſometimes[e] *Italum robur*, (our engliſh phraſe ſtrong hold fitly anſwereth it) they broke malefactors necks by a kind of præcipitation or tumbling them headlong frõ a certain ſtock of a tree faſtned there in the earth; unto this *Tully* alludeth, *Quæro fregeris ne in carcere cervices illi ipſi Vettio:* But more expreſly *Plautus*, *At ego faciam vos ambos in robuſto carcere ut pereatis.* Thoſe that had the chiefe overſight in ſuch executions were called *Triumviri capitales*, that in high Sheriffs. The whole proceeding is ſet downe by *Valerius*,[h] *Mulierem damnatam Prætor Triumviro necandã in carcere tradidit, quam receptam is qui cuſtodiæ præerat, miſericordiâ motus non protinus ſtrangulavit; aditum etiam filiæ dedit, ſed diligenter excuſſæ, ne quid ſibi inferret, exiſtimans futurum, ut inediâ conſumeretur; cũm vero animadvertiſſet filiam matrem lactis ſui præſidio ſuſtentantem, rem ad Triumvirum, Triumvir ad Prætorem, Prætor ad conſilium judicum pertulit, & remiſſionem mulieri impetravit.* It is much controverſed among interpreters what that kinde of puniſhment was which they termed *Malam manſionem*, wee may engliſh it litle eaſe. Some underſtand hereby a certain deep dungeon, made in the form of a pit or well, called therefore in Latine *puteus*, but this as it ſeemeth by that of *Plautus*, was a puniſhment proper and peculiar to theeviſh Cookes:[i] *Coqui abſtulerunt, comprehendite, vincite, verberate, in puteum condite.* Others underſtand hereby a cloſe priſon, which becauſe of its ſtraightneſſe & cloſenes they called *arcam*, a cheſt: the uſe of this priſon, was for the ſafe keeping of ſuch who were afterward to be examined of farther matters; though ſometimes other offenders were caſt into the ſame. Of theſe priſons *Tully* ſpeaketh. *Subitò abrepti in quæſtionem, tamen ſeparan-*

c Plau. Pœn. 5. 3.
d Plau. Pœn. 5 6.
e Hor. lib. 2. od. 13.
f Turneb adv. l 23. c. 21.
g Plau. in cur. c. act. 5. ſc 5
h Valer. l 5.
i Plau. Aulul 2 5.

parantur à cæteris, & in arcas conjiciuntur, ne quis cum his colloqui poſſit. Another kind of priſon there was, called *Sextritium*, thus it is commonly rendred in Latine, but the Greek word is σεξτιστιον, and accordingly [a] *Turnebus* renders it *Seſtertium*, being of opinion that it was ſo called frō the quantity of ground it contained, namely two acres and a half: *C. Rhodiginus* thinketh that *Spoliarium* and *Sextritium* were not places unlike, but herein not he alone, but divers others have been deceived; for *Sextritium* is apparently a place of [b] execution, where thoſe were executed whom the *Roman* Emperours adjudged to death: now whether that *Spoliarium* were a place of puniſhment I much doubt. What in Latine we call *Spoliarium*, that the Greeks termed σποληριον, both doe ſignify primarily little cels or chambers neere adjoyning to the bath, where ſuch as waſhed themſelves laid up their cloathes: In a borrowed ſenſe both are uſed to ſignify chambers and cells adjoyning neere unto the Amphitheatre or fencing place, wherein the fencers did put up their cloathes in time of fight, and becauſe ſuch as were wounded in fight were carried into thoſe chambers, where they languiſhing with much pain, at laſt notwithſtanding expired for the moſt part, & that not without much torturing of the Chirurgion, hence ſuch a ſpittle houſe is alſo called *Spoliarium*. Thus much *Seneca* ſeemeth to intimate. [c] *Nunquid aliquem tam cupidum vitæ putas, ut jugulari in ſpoliario quàm in arena malit?* Whereby it appeareth, that *Spoliarium* was not a priſon, unto which malefactors were judged, but rather as I ſaid a kinde of ſpittle-houſe. Other kinde of puniſhments there were of a neer likeneſſe with impriſonments, as caſting into the pillory, laying one by the heeles, &c. Of theſe little is ſpoken more then the very names; of this ſort thoſe that doe moſt cōmonly occur in authors, are theſe: *Nervus, Collūbar, Numella, Codex. Nervus* is generally thought to reſemble our ſtocks. [d]: ome take it to be made of wood, others of yron, *Nervum appellamus ferreum vinculum, quo pedes impediuntur*

[a] Turn. adv. 3. c 18.

[b] Plutarch. in Galba.

[c] Sen. ep. 94. De ſpolario. Vid. Lipſ. Sat. 1. 18.

[d] Vid. Taubman. in Plau. Aulul. 4. 10. [e] Feſt. Vid. Lam. in Plau. Aulul. 4. 10.

pediuntur: quanquam Plautus eo etiam vinciri cervices ait. Two of the laſt ſeem to have ſome reſemblance with our Pillory: *Collumbar* had its name from *Collum*, becauſe the neck was chiefly pained in this kind of puniſhment. *Nuella* was alſo a kind of Pillory being ſo called *quaſi* [n] *Nuella, quod qui eo vinculo conſtricti erant, nuere demiſſoq; capite eſſe cogebantur. Codex* was a certain block or Clog, ſo tied unto the Malefactors, that they uſed it as a ſtoole to ſit on: the uſe of this may ſeem to have been only in private houſes, thereby to keep evill ſervants the cloſer to their worke, of this *Juvenal* ſpeaketh, *Sat.* 2.

n Turneb. adverſ. l. 23. c. 21

Horrida quale facit reſidens in codice pellex. [o] *Turnebus* deſcribeth it thus, *Codex eſt ligneus ſtipes, quem allegati ſervi qui deliquerant trahebant, cuiq; inſidebant vincti.*

Turneb. ib.

Cap. 6.

Culeus.

THe crime which is in Latine we call *Parricidium*, is murder practiſed by Father or Mother towards the children, or by the children towards either of the parents. It had in old times a larger exception, ſignifying any murder between man and man, and then it was called *Parricidium, quia par parem occiderat.* The word taken in his firſt and proper ſignification, denoted a fact ſo unnaturall, that neither [p] *Solon* nor *Romulus* would determine any puniſhment againſt ſuch offenders, becauſe they thought none ſo wicked as to commit it, and the prohibition it ſelfe might prove a kinde of irritation to provoke ſome to the commiſſion of the crime, which otherwiſe would never have entred into their hearts: but the wickedneſſe of the aftertimes enforced Lawgivers to invent a ſharp puniſhment againſt ſuch unnaturall offences. The puniſhment decreed againſt Parricides in [q] *Senecaes* age, was, that ſuch malefactors ſhould bee ſowed up in

p Cic. pro Sext. Roſcio

q Senec. lib. 5 controv. 4. in fine.

in a leatherne ſacke together with Serpents, and ſo caſt into the Sea; afterward there was ſowed up in the ſame ſack an Ape, and a Cocke, and at laſt a Dogge. Whence *Iuvenal Satyr.* 8.

Cujus ſupplicio non debuit una parari
Simia, nec ſerpens unus, nec culeus unus.

[a] *Modeſtus* deſcribeth the manner thereof thus: The Parricide being firſt whipt with rods untill the blood came, then was he ſowed up in this ſack called *Culeus*, together with a Dog, a Cock, a Serpent, and an Ape. [b] They would not caſt him naked into the ſea, leſt the water thereof thereby might be polluted, wherewith all other pollutions in their opinion, were expiated.

[a] Digeſt. lib. 48. ad legem Pomp. de parric. vid. Cœl. Rhod. lib. 11. cap. 21.
[b] Cic. pro Sext. Roſc.

Cap. 7.

Eculeus, Lamina, Vngulæ, Fidicula, χειρομος.

Eculeus had its derivation from *Equus, quaſi Equuleus*, as may be collected from that deſcription which [c] *Turnebus* giveth: But not ſo much from the poſiture or ſituation of the offenders body on the engine as *Turnebus* would have it, for he in no wiſe reſembled a man on horſeback, but rather from the horſing or hoiſing up of the party faſtned with ropes unto the *Equuleus*, ſo that his hands being tied faſt at the upper part of the engine, and his feet at the neather part, hee was hoyſed up in the ayre like unto one faſtned on a croſſe. The form of the *Equuleus* I conceive thus, It was not one entire ſtake, but rather two long peeces of timber ioyned together in form of a ſtake, ioyned together, I ſay, by the meanes of a vice or ſcrue; and the reaſon hereof was, that by help of this ſcrue, the upper part of the engine might be lifted up to the racking and torturing of the malefactor, or let down to the eaſing and remitting of his paines, as ſhould ſeem good to the executioner, or other Officers, who

[c] Turneb. adverſ. l. 4. c. 3.

who now and then would grant some remission and respite in hope of a confession. For in the first institution the maine end of this torture was to work out the knowledge of the truth. Neither did they alone rack the parties ioynts in this kind of punishment, but to enforce him unto a confession by an augmentation of his paine, they did often with hot plates and yron pinsers, burne and teare his flesh from his sides; and all this we shall finde warranted by [d] *Sigonius*, whose words I have written down at large, *Eculeus catasta fuit lignea, cochleata, ad intendendum ac remittendum apta, atq; ad torquendos homines ut facti veritas eliceretur instituta. Tormenti vero genus erat huiusmodi, ubi catastæ huic brachia pedesq; eius, qui torquendus erat, nervis quibusdam, quæ fidiculæ dicebantur alligaverant, tum catasta intenta atq; in altum erecta, ut ex ea quasi ex cruce quadam miser ille penderet, primùm compagem ipsam ossium illius divellebant, deinde candentibus eiusdem corpori laminis admotis, atq; bisulcis ungulis ferreis lateribus laniatis doloris acerbitatem agebant.* And thus wee see what the use of those *Laminæ* and *Vngulæ* were, namely that they were not severall torments of themselves, but adiuncts to this, to encrease the paine. The *Eculeus* was sometimes called [e] *lignum tortorium*; sometimes [f] *stipes noxialis*. The torturing engine called *Fidicula* was not much unlike: *Fides* signifieth the string of any musicall instrument, & the engine had its name from the strings & cords wherewith men were tortured upon it; of this [g] *Turnebus* writeth *Fidiculæ quæ in tormentis numerantur, mihi videntur lasciviâ quadam joci nomen invenisse, quod ut in fidibus nervi item quoq; ut nervi hinc & inde multis funibus homines distendebantur*. The torment χοινιστμὸς used by the *Græcians*, was either this same or very like.

d Sig. de jud. l. 3. c. 18.

e Sozom. hist. Eccl. l. 5.

f Prudent. in hymno. Vincent. Martyr.

g Turneb. advers. l. 4. c. 3.

CAP.

Cap. 8.

De rupe Tarpeia dejectio. De lapide empti. A furca redempti. Scalæ Gemoniæ. Tunica. Damnatio in gladium, in ludum, ad beſtias.

MAlefactors for notorious offences were tumbled down headlong from a certain rock in the *Tarpeian* Mount: This kinde of puniſhment was called either ſimply *Dejectio è ſaxo*, or *Dejectio è Tarpeia rupe.* In ſome caſes notwithſtanding by the interceſſion of friends, or ſome other means, pardons were ſometimes obtained for the condemned perſons, whereby they were freed from death, howſoever the diſgrace and infamy cleaved ever after unto them, & therefore they were tearmed *de lapide empti:* which phraſe [h] *Cœlius Rhodiginus* hath paralleld with that, *à furca redempti*, that is, *ſaved from the gallows.* In the *Aventine* Mount was a place of like nature, called *Scalæ Gemoniæ*: certain ſtaiers whither condemned perſons were dragged, and ſo caſt headlong into the river *Tiber*. *Cœlius Rhodiginus* ſeemeth to be of another opinion: [i] who deſcribing this puniſhment, ſaith that a hook was thruſt into the malefactors throat, and ſo he haled by the Executioner unto theſe ſtayers, where having his thighs broken he was burnt. Furthermore he addeth, that they were called *Scalæ Gemoniæ*, or *gradus Gemonii*, becauſe as ſome are of opinion, the firſt that ſuffered this kinde of puniſhment, his name was *Gemonius*: or as others would have it, becauſe it was *locus gemitûs, & calamitatum.* If we admit that malefactors were here burnt, then may we think this puniſhment *ad Scalas Gemonias* to be the ſame, which ſometimes was called *Tunica.* The reaſon of which name was, becauſe perſons thus to be burned, were clad with a coat dawbed in the inſide with pitch and brimſtone. Thence

[h] Cœl. Rhod. ant. l. 25. c. 22.

[i] Cœl. Rhod. l. 10. c. 5.

k Sen ep. 14. is that of k *Seneca, Cogita illam tunicam alimentis igneam & illatam & intextam.* This giveth light to that of *Iuv, Sat* .8 *Tunicâ punire meleſtâ.*

l Tertul. ad Martyr. l *Tertullian* alſo mentioneth it in this ſenſe. To theſe may be added two other puniſhments uſually inflicted upon fugitive ſervants, but yet not ſo reſtrained unto them, as that they were not ſometimes extended to other malefactors. The firſt is *Damnatio in gladium*, A condemning one into a fence-ſchoole, there to be trained up in the art of fencing, untill ſome publike prizes were plaid, at what time ſuch a condemned perſon was to fight for his life. m *Capitolinus* calleth it *Ad gladii ludum deputationem:* But *Vlpian*, as n *Lipſius* elſewhere obſerveth, differenceth theſe two phraſes thus: He that was *ad gladium damnatus*, was either preſently put to death, or elſe at fartheſt within the compaſſe of an yeare: but he that was *damnatus in ludum*, had not death ſo peremptorily ſentenced upon him; if he eſcaped the danger of thoſe publike prizes, and always got the upper hand of his adverſaries, at three years end, he received the *Rudem*, or wand, which was a token of diſcharge from thoſe bloody combats; yea at five years end, he received the *Pileum*, or cap, which was a token of his enfranchiſement or freedome in the city. The ſecond ſort was *Damnatio ad beſtias*, a condemning of a man to fight for his life with beaſts; as with Bears, Leopards, Lions, &c. The perſons thus condemned were termed o *Beſtiarii*. A memorable example thereof we have in a certain *Roman* ſervant called *Androclus*, p who having run from his maſter, lived in a wilderneſſe, and whiles he reſted himſelfe in a den, there came a fierce Lion unto him, moaning & grieving becauſe of a ſtump of a tree which ſtuck faſt in his foot; *Androclus* at firſt began to be affrighted, but the Lion comming neerer and neerer unto him, and laying his foot on the mans lap, intimated his deſire of help from him, which when the man perceived, he plucked out the ſtump, and gave him what eaſe he could. Afterward this fugitive being apprehended

m Vid. Lipſ Saturn l. 2. c. 3

n Lipſ. Satur. l. 2. c. 23.

o Alex. ab Alex. l. 3. c. 5.

p A. Gel. l 5. cap. 14.

hended and adjudged to this punishment, it hapned that this very Lion was brought into a shew place for *Androclus* to fight with, where insteed of a fierce onset, the Lion used a tame and familiar fawning on him, whereupon the spectators admired, and understanding the former passages between *Androclus* and the Lion, they released the servant and freed him from his punishment. Where we must note that this pardon was extraordinary: [q] for usually if any so condemned happened to overthrow a beast or two, yet was he not thereby discharged, but was to encounter with others untill he were killed. Yea it was very seldome that the man could prevaile against the beast, on the contrary one Lion hath prevailed against two hundred men; according to that, [r] *Præclara ædilitas, unus leo ducenti bestiarii.* By which we see many men one after another did thus fight with beasts at the same meeting: yea the [s] *Grecians*, called such as succeeded the first combatants ἐφέδρους, the Apostle S. *Paul* calleth them ἐσχάτους, because they were reserved untill the last. [u] *Tertullian* readeth that place in this sense, and the words themselves enforce as much: for what shall we understand by θεατρονετενέθημεν, but the very spectacle or shew it selfe, and what by ἀπέδοιξεν, which signifieth properly *Ostendit*, but an allusion to him who was the chief author and exhibiter of these bloody spectacles unto the people. * *Lipsius* hath paralleld that phrase of *Tully*, *Ostendere munus*, with that of *Suetonius*, *proponere munus*; both signifying the setting forth or bestowing the sight of such masteries, and fightings. And that it was no unusuall kind of Martyrdome in times of the primitive Church, thus to expose holy men to the fury and rage of wild beasts, appeareth by the example of *Ignatius*, who rejoyced to be grownd between the teeth of wild beasts, that he might be found pure bread: Whose words were [x] *Frumentum sum Christi, & per dentes bestiarum molor, ut mundus panis Dei inveniar*: yea the word Επιθανατίους, *morti addictos*, helperh this interpretation: the word intimateth that there

q Salmuth in Panicrol. de veter. ludis.

r Cic. in orat. pro Sastio.

s Suid in voce Ἐφέδρος.

t 1 Cor. 4.9.

u Tertul. l. de pudicit.

* Lips. Satur. lib 2. cap. 18.

x Iren. adv. hær. l. 5. c. 28. It Euseb. hist. Eccl. 3. c. 33.

was a sure death remained for them also, though the last. The custome being in the morning to commit men with beasts, but those ἐρατοὶ which remained till noon tide, and were therefore called *Meridiani*, were committed each against other, and that without any defensive weapons, with swords in one hand cutting, and with the other hand being empty, grasping and tearing each others flesh, so that [z] *Seneca* speaking of this, comparing it with that former fighting with beasts, saith, *Quicquid ante pugnatum est, misericordia fuit.*

y Suet. Claud. c.34.

z Senec. ep.7

Cap. 9.

Ergastulum. Ergastula inscripta. Pistrinum. Damnari in Antliam. Metallum. Inscripti. Stigmatici. Literati. Virgæ. Flagella. Talio.

THe state and condition of servants was various & differing among the *Romans* in old time, but of all they were most miserable who lived in prison. Whence those that were ordinarily imployed in these prison services, they were either such servants as were bought for that purpose, or such as for notorious crimes were adjudged thereunto in way of punishment, whence the word *Ergastulum* is justly derived from the Greek Ἐργάζομαι because it is τόπος ἐν ᾧ οἱ δεσμῶται Ἐργάζονται: *locus in quo vincti operantur*. For even in the day time when they were sent forth to work, they had shackles and bolts about their legs to prevent their scapes or running away, though not so big as those into which they were cast at night when they returned into prison. Their fetters or bolts are oftentimes in ancient writers (peradventure from the form of their links) termed *Annuli*, and themselves said to have *pedes Annulatos*. They had also their foreheads marked or burned with some letters of infamy, which is the reason of *Juvenals* Epitheton, *Inscripta Ergastula*.

Quem

Quem mirè adficiunt inſcripta Ergaſtula. The labours in which they were imploied, were, ſometimes digging, delving, and tilling the ground: ſometimes digging of quarry pits, ſometimes grinding with an hand-mill, ſometimes drawing water: this latter kinde of puniſhment in [m] *Sueto-nius* his phraſe is *Antliam damnari*. Thoſe Criticks who for the word *Antlia* doe ſubſtitute *Anticyra*, or *Andia*, or ſuch like names of Iſlands, doe utterly faile of the Authors ſcope, and drift; for the puniſhment which *Suetonius* ſpeaketh of, is ſome ſtrange or unuſuall puniſhment: now ſeeing that Senatours themſelves were often exiled, it could not ſeeme ſtrange that *Roman* Knights ſhould be baniſhed into forreign lands; but this was a matter unuſuall, and unheard of, that a *Roman* Knight ſhould be imploied in ſuch drudgeries. Againe, the word *Antlia* fitly denoteth ſuch a kinde of labour, whether we reſpect its Etymologie ἀπὸ τοῦ ἀντλῶ; or its ſignification in Latine authors, it being uſed by them to ſignify a great bucket, or water-ſcoupe to draw up water.

[m] Suet. Tiber. cap. 51.

Thus *Martial.* *Curta laboratas antlia tollit aquas.*

The hand-mill is often expreſſed by the latin word *piſtrinum*, a word frequent in Comicall Authors. It much reſembled our Bride-well, or place of correction, being called *piſtrinum a pinſendo*, from pounding. For before the uſe of mills was knowne, the *Romans* did pound their corn in a great morter, calling the place where they pounded it *piſtrinum*: whereupon our hand-mill hath retained the ſame name to this day. And becauſe of the great paines that men did ſuffer in pounding, as likewiſe the ſtrict diſcipline uſed towards ſervants thus puniſhed (for [n] their neck was thruſt into a certaine wooden engine called *pauſi cupe*, made for the purpoſe, leſt happily in time of grinding they might eat of the meale) hence grew cuſtome among them, that when a ſervant had offended his maſter, he would menace him in this manner, *In piſtrinum te dedam.* I will caſt thee into Bride-well. The puniſhmēt *Metallum* was not much unlike the digging in met-

[n] Turn. adv. l. 4. cap. 13.

tal-mines, and working in metall houſes, appeareth not only to have been a baſe and ſervile, but alſo a very laborious and painfull work; whence it was eſteemed a grievous puniſhment to be adjudged to metall works; or caſt into a metall houſe. And either for the increaſe of ſuch mens paines, or for to keep them from eſcapes, they were enforced to worke with their fetters and gives about them, as is implyed by [o] *Vlpian*, who makes the difference between theſe two phraſes, *Damnari in metallum*, and *Damnari in opus metalli*, to be thus; that the firſt ſort did weare heavier and greater fetters then the laſt. How true the difference is I leave it to the enquiry of others, but that it was a great and infamous puniſhment [p] *Tertullian* witneſſeth, in that ſpeech of his againſt the heathen people, *De veſtris ſemper æſtuat carcer, de veſtris ſemper metalla ſuſpirant.* Sometimes there was only ignominy and diſgrace intended in their puniſhments, of which ſort was the bearing up and down the *Roman Furca* in the market place, or elſewhere in publike view, whereof I have ſpoken in the chapter of *Furca*, likewiſe a branding of the Malefactor with ſome infamous letter in his forehead or hand, or ſome other part of the body: whence [q] *Pliny* calleth ſuch ſervants *Inſcriptos*. Generally they are called *Stigmatici* from στίζω, which ſignifieth to brand with markes; As *Nebulo ſtigmaticus*, a rogue burnt in the hand, or any way marked; ſometimes ſuch are called *Literati*. The *Athenians* being enemies to the *Samii*, as often as they took them captives, they did uſe thus to burn them for Rogues, which occaſioned that proverbiall ſcomme; *Samiis neminem eſſe literatiorem*.

o Vid. Cœl. Rhodig. l. 10. c. 5.

p Tertul. apolog. c. 44.

q Plin. l. 18. c. 3.

r Cœl. Rhod. l. 7. c. 13.

Sometimes beſides the diſgrace there was alſo toileſome paines, as appeared by their *Ergaſtula*, & ſometimes to their paines, ſtripes added: though I deny not, but that many times, correction with ſtripes was a preparation for death it ſelfe. This correction by ſtripes was twofold, either it was *Verberatio*, or *Flagellatio*: the firſt was with roddes called *Virga*

Virga; the other with scourges called *Flagella.* That there was a difference between *Virga and Flagella*, is plain by *Tully*, where by way of Irony he saith, *Porcia lex virgas ab omnium civium corpore amovit; hic misericors flagella retulit.* Both of them were counted servile, so that Freemen were ordinarily exempted from them, as appeareth.

—— [m] *Ad necem operire loris. Sann. loris liber?* m Ter. Adelph. act. 2. scen. 1.

Horace also intimating the servile condition of *Meva* saith: n Epod. Od.

[n] *Sectus flagellis hic triumvirabilibus.*

They are called *Flagella triumviralia*, from those *Triumviri* who formerly I translated Sheriffs, because to them belonged the oversight of this punishment. *Eustathius* calleth them ἀστραγαλαγὰς μάστιγας, *id est, Flagra alaria, seu taxillata*, because to augment the paines, they did usually in these scourges tye certain hucklebones or plummets of lead at the end of the whip-cords, or thongs, and such scourges they termed *scorpiones.* The cruelty of the scourges was such that they many times died under them. Thus have we generally and briefly touched the more usuall punishments. But sometimes wrongs done between party and party, were punished with a retaliation of the same kinde: according to that, *A tooth for a tooth, and an eye for an eye.* And this kind of punishing was called *Talio.* Yet we are to know that a simple retaliation, such as is termed *Talio Pythagorica*, was not always exacted; but sometimes satisfaction might be wrought by a commutation of the punishment. [o] *Reus habuit facultatem paciscendi, & non necesse habuit pati talionem, nisi eam elegisset.* It were endlesse to speak of all their punishments, and happily not worth the labour, their very names being sufficient comments to explain them. As *Effossio oculorum, Amputatio manuum, Crurifragium, Talifragium*, and such like.

Tholos. in sy: jur. univers. c. 11. l. 31.

o A. Gel. l. 11. cap. 1.

LIB.

LIB 3. SECT 4.

Of the Romans *Lawes.*

CAP. 1.

De Legibus.

HAving ſpoken of the civill Magiſtrates, and puniſhment, we will now alſo deſcend unto the civill law: where firſt we will note among other differences between *Ius* and *Lex* principally theſe; Frſt, *Lex* ſignifieth only the Law, but [a] *Ius* ſignifieth alſo that place, whereſoever the Law or juſtice was adminiſtred: nor only if it were adminiſtred out of the Tribunal in the *Comitio*, or great Hall of juſtice, which was termed by the Lawyers, *Agere pro Tribunali*: but alſo if it were adminiſtred in a private houſe, or in ones journey, ſo that it were by a lawfull Magiſtrate, and out of a curule chaire; and this was tearmed by the Lawyers, *Agere de Plano*: and hence is it, that *In jus vocare* ſignifieth to cite one into the Court. Secondly, *Lex* ſignifieth only the written Law, but *Jus* ſignifieth equity, ſo that [b] *Jus permaneat ſemper nec unquam mutetur, Lex verò ſcripta ſæpius.* Notwithſtanding theſe two words uſed promiſcuouſly one for the other, and therefore leaving all curious differences between thoſe words (whether

[a] Sig. de jud. l. c. 7.

[b] Fr. Sylv. in orat. pro Mil.

(whether the *Roman* lawes were truly *Jura* or *Leges*) thus much we may obſerve, that the laws uſed among them were of three ſorts; either they were ſuch as were made by ſeverall *Roman* kings, and afterward collected and digeſted into a method by *Papirius*, [c] from whence it was called *Jus Papirianum*; or they were ſuch as the *Decem viri* brought from *Athens*, and were called *Leges 12. tabularum*: or laſtly they were ſuch as the *Conſuls*, the *Tribuni plebis*, and ſuch Magiſtrates did prefer, whence every ſeverall law bore the name of him or them that preferred it. My purpoſe is to explane only this latter ſort, and that not all of them, but ſuch alone as I have obſerved in *Tully*, and that chiefly in his Orations. My proceeding ſhall be firſt to ſhew the divers kinds of Judgements; and then to deſcend unto the lawes themſelves, beginning with thoſe which ſhall concern the *Roman* religion, and then proceeding to the others which concern the common-wealth.

[c] Fr. Sylv. in ep. virorum illuſt. l. 5 ep. 11.

Cap. 2.

De Iure publico & privato.

THe caſes to be decided by the law were either publike or private, and accordingly were the judgements [d] *vel privata, in quibus jus ſuum privatus quiſq; perſequebatur: vel publica, in quibus injuria in que reip. facta erat vindicabatur.* The private (as we obſerved before) belonged unto the *Prætori urbano & peregrino*, that is, the 2. chief Inſtices, vvho did either give judgement themſelves, and then were they ſaid *judicare*, or they did appoint others to ſit in judgement, and [e] then were they ſaid *Judicium dare*: in the abſence of the *Prætors* there were ten called *decemviri Silitibus judicandis*, i. e. *ſuper lites judicandas*, who in the ſame manner as the *Prætor*, might either give judgement themſelves, or appoint others, for they were even in one place and

[d] Sig. de jur. Rom. lib. 2. c. 18.

[e] Sig de jud. l. 1. c. 7.

[f] Roſin. ant. l. 7. c. 29.

[g] Alex. Gen. dier. l. 1. c. 16

and inſtead of *Prætors.* Thoſe which either the *Prætor* or the *Decemviri* did appoint to debate the caſes under them, were taken out of the *Centumviri*, that is, [b] out of certaine Commiſſiones choſen for that purpoſe; namely three out of every Tribe or ward; ſo that in all, the number of them amounted unto an hundred and five; but in round reckoning they went for an hundred: and from a certaine ſpeare that was wont to be erected up in token of this court, hence was the [i] court called either *Prætoria Decemviralis*, or *Centumviralis haſta.* In ſome caſes their forme of acquittance was thus. [k] *Secundũ illum litem do*, whence [l] *Tully* ſaith, *quo minus ſecundum eos lis detur, non recuſamus*, that is, we do not deny, but they may be acquitted. Thoſe that were caſt in their ſuit, were ſaid, *Lite vel cauſa cadere.* The publicke caſes belonged ordinarily (except the *Conſuls*, the *Senate*, or the people did interpoſe their authority) unto thoſe whom we called *Prætores Quæſitores.* Some have thought them to be the ſame with thoſe, whom [m] *Roſinus* calleth *Judices Quæſtionum*, and that I think not altogether upon unſure grounds: firſt becauſe moſt of theſe publique caſes which they termed *Quæſtiones*, had their [n] ſeverall *Prætors* to enquire them, whence they were called *Quæſitores*, and may in my opinion be called *Judices quæſtionũ*, eſpecially ſeeing that thoſe wch would have them be different officers, cannot well ſhew the differences of their offices. Now as the Vrban *Prætor* had an hundred Commiſſioners under him, ſo had theſe *Prætores Quæſitores*, certaine Iudges choſen [o] by the Vrbane, or forreigne *Prætor*, when he took his oath: and that not according to his pleaſure as many as he would, or whom he would, but ſometimes more, ſometimes fewer, ſometimes only out of the *Senators*, ſometimes only out of the order of *Roman* Gentlemen, ſometimes out of both, ſometimes alſo out of other orders, [p] according as the law appointed, which oftentimes varied in thoſe points. The Iudges how great ſoever the number was, [q] were called *Judices ſelecti*, & were divided

[b] Pet. Ramus. in 2 m de lege Agrar.

[i] Sig. de Ind. l. 1. c. 28.

[k] Sig. de jud. l. 1. c. 29.

[l] Cic. pro Quint. Roſcio.

[m] Roſcin. ant. l. 2. c. 18

[n] Sig. de jud. l. 2. c. 4.

[o] Sig. de jud. l. 2. c. 6.

[p] Sig. ibid.

[q] Sig. de jur. Rom. l. 2. c. 18.

vided inro ſeverall companies called *Decuriæ*. Theſe Judges were upon any citation from any of the *Prætors*, to give their aſſiſtance in the Court upon the day appointed by the *Prætor*. Now the manner how they did proceed in their judgement followeth in the expoſition of one of the Laws, and therefore I will refer the Reader thither. Only let him by the way underſtand, that whereas *Tully* is quoted in every law, it is not ſo much for the proofe of the law, as to ſignify that he in that place maketh mention thereof. For the proofe of the lawes I referre the Reader to *Roſinus* and *Sigonius*: touching the expoſitions, my marginall quotations doe prove ſufficient.

Cap. 3.

De legibus religionem ſpectantibus.

Lex Papiria.

L. *Papirius Trib. Pleb.* eſtabliſhed a law touching the conſecration or hallowing of places, that it ſhould be unlawfull for any to conſecrate either houſes, grounds, altars, or any other things, *Injuſſu plebis*, that is, without the determination of the *Roman* people in their aſſemblies called *Comitia Tributa*, which determination was alwaies termed *Plebiſcitum*. Cic. pro Domo.

Roſcia lex.

L. Roſcius Otho Trib. Pleb. preferred a law, that whereas heretofore the *Roman* Gentlemen did ſtand promiſcuouſly with the commons at their theatrall ſhewes, now there ſhould be fourteen benches or ſeats built for thoſe *Roman* Gentlemen which were worth H. S. *quadraginta*, that is, about 3125 l. of our Engliſh mony. As for other Gentlemen whoſe ſubſtance was under the rate, they had a certain place allotted them by themſelves, with a puniſhment impoſed upon them, if they offered to come into any of thoſe foureteen benches. Cic. Philip. 2. Item. pro Muræn.

Here muſt we note that this character H.S. ſtandeth for a ſilver coyne in *Rome* called *Seſtertius*, and is by *Roſinus* in this place improperly uſed for *Seſtertium*. For this character H.S. is by our printers falſe printed, the true character [p] being I. L. S. ſignifying *duas libras* (as the two L. L. doe intimate) and *Semiſſem*, which is intimated by the letter S. Where if *libra* doth ſignifie no more then the *Romans* coyn called A.S. then is this opinion touching the character L.L.S. eaſy to be confirmed. For divers authors [q] rendring a reaſon of the name *Seſtertius*, ſay it was ſo called *quaſi Semitertius*, that is, ſuch a coyn as containeth *Duos ſolidos aſſes & ſemiſſem*. This *Seſtertius*, was ſuch a common coyn among the *Romans*, [r] that *Nummus* and *Seſtertius* became at length one to be uſed for the other; [s] *Mille hujuſmodi ſeſtertii vel nummi faciunt unum ſeſtertium in neutro genere, & conficiunt plus minus viginti quinque coronas.* According to which rate, *quadraginta ſeſtertia* amounteth to 3125: and every particular *ſeſtertius* is according to this rate, in value three halfe pence farthing *q*.

[p] Fr Matur. in Philip. 2.

[q] Chr. Hegendorphius in Verrinam.

[r] P. Nannius in Verrin. 5.

[s] Ch. Hegendorphius in Verrin. 5. m.

And here we may fitly obſerve the art of numbring by theſe *Seſterces*, wch conſiſteth in three rules. Firſt, if the numerall or word that denoteth the number be a noune adjective agreeing in caſe, gender & nũber with the ſubſtantive *ſeſtertius*, then it ſignifieth preciſely ſo many *ſeſtertii*: for example ſake; *Decem ſeſtertij* doe ſignifie ſo many times i^l *ob q^a q*. Secondly, if the numerall being an adjective, and of a different caſe, be joyned with *Seſtertium* in the genitive caſe plurall, then doth it note ſo many thouſand *Seſtertij*: For example, *Decem ſeſtertium* ſignifieth ten times 7^l 16^s; 3^d. Thirdly, if the numerall joyned with *ſeſtertium* be an adverb, then it ſignifieth ſo many hundred thouſand *ſeſtertij*, *ex.gra: Decies ſeſtertium* doe ſignifie ten hundred times 7 16^s 3^d. Yea the numerall being an adverb, is ſometimes put ſimply by it ſelfe, without the addition of any other word to ſignify in the ſame manner, the genitive caſe *ſeſtertium*

tium being underſtood. For the better conceiving hereof the former example may be thus ſet downe.

Decẽ ſeſtertij.	*valent*	10. *Seſtertios*	*De noſtro*	0000 1 0 6 1 *ob q*ª
Decem ſeſtertium.	*valent*	10. *Millia ſeſtertium.*	*De noſtro*	0078. 02.6. 0 0.
Decies ſeſtertium.	*valent*	10. *Centena Millia*	*De noſtro*	78112 10000
Decies	*valent*	*ſeſtertium*	*De noſtro*	

Clodia lex,

Publius Clodius Trib. Pleb. made a law, by vertue where- Cic. pro Sext. item de Aruſp. reſpon.
of the Prieſt called *Peſſinuntius ſacerdos* (from the place where hee did firſt exerciſe thoſe holy rites in the honour of the mother Goddeſſe) ſhould be deprived of his Prieſthood, and the temple built in the honour of this Goddeſſe ſhould be beſtowed upon *Brotigarus*, of *Gallo Grecia.*

Domitia lex.

Cn. Domitius Abenobardus Trib. Pleb. enacted a law, that Cic. Agrar.
the Colledges of Prieſts ſhould not as they were wont, admit whom they would into the order of Prieſthood, but it ſhould be in the power of the people. And becauſe it was contrary to their religion, that Church-dignities ſhould be beſtowed by the common people, hence did he ordain, that the leſſer part of the people, namely ſeaventeen Tribes, ſhould elect whom they thought fit, and afterward he ſhould have his confirmation or admiſſion from the Colledge.

Lex incerti nominis de vacatione ſacerdotum.

Cicero in his orations mentioneth a law (not naming the Cic. Philip. 8 & pro Font.
author thereof) whereby the Prieſts were priviledged from their ſervice in all wars, except only in uproares or civill tumults,[x] and theſe priviledges were termed *Vacationes.*

x B. Latomus in Philip. 5.

Cap. 4.

De civitate, & jure civium Rom.

Forcia lex de civitate.

Cic. pro Rab. & ſæpe alias.

M. *Forcius Trib. Pleb.* eſtabliſhed a Law, that no Magiſtrate ſhould beat any *Roman* Citizen with rods.

Lex Sempronia.

Cic. pro Cluentio, & ſæpe alias.

C. Sempronius Gracchus Trib. Pleb. preferred a law, whereby he diſabled the Magiſtrate from puniſhing any *Romane* Citizen, either with rods, or with his axe, that is, with death; without the allowance of the people. Secondly, by vertue of this law, if any Magiſtrate did condemn any *Roman* Citizen *Indicta cauſa*, he ſhould be liable to the judgement and cenſure of the people. A third clauſe to this law was, *Ne quis coiret, conveniret, quo quis judicio publico circumveniretur Indicta cauſa.* He was ſaid to be condemned *cauſa indicta*, which was condemned before he had ſpoken for himſelfe. Although [y] *Indicere pro non dicere, ſicut & invidere pro non videre vix reperiatur, tamen indictum & inviſum, pro non dicto & non viſo ſæpe reperiuntur.* [z] They were properly ſaid *Coire*, which did work under-hand againſt a man, that he might be condemned; we may tranſlate it in this place, to Conſpire. [a] The verb *Circumvenio* doth commonly ſignifie as much as *Circumſcribo*, to deceive or cheat one: but in this place to oppreſſe one with falſe judgement, procured by bribery or conſpiracy.

y P. Ramus in orat. pro Rabirio.
z Fr. Sylv. in orar. pro Cluentio.
a I. Camerar. in orat. Cic. pro L. Flacco.
b Fr. Sylv. in orat. pro Cluentio.
C. pro Balb.

Lex Papia de peregrinis.

The priviledges of the *Roman* Citizens became ſo great, that almoſt all the inhabitants of the confederate nations, would forſake their owne dwellings, and uſe meanes to become free deniſons in the *Roman* City; inſomuch that the Embaſſadours of the Allies, and aſſociates, did grieve much and

and complain of the loſſe of their inhabitants: whereupon a law was made by *Papius*, that all forreigners and ſtrange commers ſhould be expelled out of the City. To the ſame effect was *Lex Junia*, and alſo *Licinia Mutia de peregrinis*: the firſt being preferred by *War*: *Junius Pennus*; the ſecond by *L. Licinius Craſſus*, and *Q. Mutius Scævola*. Cic. offic. l. 3.

Servilia lex de civitate.

C. Servilius Glaucia preferred a law, *Ut ſi quis Latinus*, if any of the Latine aſſociates could prove an action of bribery againſt a *Senatour*, then ſhould he be made a freeman of the City. Cic. pro Balb.

Quis Latinus.] Here we will obſerve with [e] *Sigonius*, that the Latine people were not alwayes called *Latini & Italici*: *ſed & ſocij & Latini ſocij & ſocij nominis Latini, & ſocij nomenq; Latinum, & ſocij ab nomine Latino, & ſocij ac Latinum dicti ſunt.* [e] Sig. de jur. Ital. l. 1. c. 2.

Sylvani & Carbonis lex de peregrinis.

Sylvanus & *Carbo* being *Tribuni Pl.* preferred a law, *Ut qui fœderatis civitatibus adſcripti eſſent, ſi tum, cum lex ferebatur, in Italia domicilium habuiſſent, ac ſexaginta diebus apud Prætorem profeſſi eſſent, cives Romani eſſent.* Cic. pro Archia.

Adſcripti.] For the right underſtanding hereof we muſt note that there were [d] two ſorts of Citizens; ſome *cives nati*, that is, Citizens by birth, others *civitate donati*, that is, Citizens by donation, or gift: who becauſe they were added unto, and regiſtred with the firſt ſort of Citizens, were thence called *Adſcripti cives*. [d] Fr. Sylv. in orat. pro lege Manil.

Profeſſi apud Prætorem.] This verb *profiteri* is ſometimes [e] *Comitiale verbum*, and ſignifieth as much as *profiteri nomen*, that is, to render ones name unto a Magiſtrate; and this conſtruction it beareth in this place. [e] P. Ramus in orat. Cic. Agr. 2.

Lex Cornelia de Municipiis.

L. Cornelius Sylla preferred a law, that all *Municipall* States ſhould loſe their freedome in the *Roman* city, and alſo their priviledge of having commons in the *Roman* field. Cic. pro Domo.

Gellia

Gellia Cornelia lex.

Cic. pro Balb. *L. Gellius Publicola*, and *Cn. Cornelius Lentulus* being *Conſuls*, decreed a law, that all thoſe private perſons upon whom *Cn. Pompeius* in his wiſdome ſhould beſtow the freedome of the *Roman* Citizens, ſhould ever be accounted free Deniſons.

CAP. 5.

De legibus ad comitia ſpectantibus.

Ælia lex.

Cic. multis in locis. Q. *Ælius Petus* asked a law in time of his Conſulſhip, *ut quoties cum populo ageretur*, that is, as often as any *Roman* Magiſtrate did aſſemble the people to give their voyces, the *Augures* ſhould obſerve ſignes and tokens in the firmament, and the Magiſtrate ſhould have power *obnunciandi, & interdicendi*, that is, to gainſay and hinder their proceedings.

f Agel. l. 13. 14. cap. *Ageretur cum populo.*] Here we may note the difference betvveen theſe two phraſes, *Agere cum populo*, and *agere ad populum*; f He was ſaid *Agere ad populum*, whoſoever made any ſpeech or Oration unto the people, and this might bee done upon any day indifferently. But then onely was it ſaid *Agi cum populo*, when the people were aſſembled to the giving of their voyces by a lawfull Magiſtrate, and the people were demanded what their opinion was in the matter propoſed: and this could not be done g but upon one of thoſe dayes which they called *Dies Comitiales*.

g Berſman. de verb. er. ratione ad finem. Ovid. Faſt. Cic. in ſuis orat. ſæpe.

Fuſia lex.

Pub. Furius ſive Fuſius Philus, being *Conſul*, ordained a law, that upon certain dayes, although they were *dies Faſti*, that is, Leet-dayes, yet no Magiſtrate ſhould ſummon an aſſembly.

Cloni-

Clodia lex.

P. Clodius Trib. Pl. abrogated both thoſe former lawes, making it unlawfull to obſerve ſignes and tokens in the heavens, upon thoſe daies when the Roman people were to be aſſembled: And ſecondly, making it lawfull to aſſemble the people upon any Leet-day whatſoever. Cic. pro Sext.

Gabinia lex.

At firſt, for many yeares the Roman people in their aſſemblies did ſuffrage *Vivâ voce:* at which time many of the inferiour ſort, gave their voices contrary to their wils, fearing the diſpleaſure of thoſe that were of higher place. For the better help in this point, *Gabinius* asked a law, that the people in all their elections might not ſuffrage *Vivâ voce*, but by giving up certaine tablets, the manner whereof hath been formerly ſhewn: whence both this, and all other lawes tending to this purpoſe have been called, *Leges tabellaria.* Cic. 3. de leg.

Caſſia lex.

After *Gabinius*, *Caſſius* alſo preferred a law, that both the Judges in their judgements, and the people in their aſſemblies ſhould ſuffrage by rendring ſuch tablets: [h] but this is to be underſtood onely of thoſe aſſemblies by wards called *Comitia Tributa:* wherein they treated of mulcts and mercements. Cic. in Lælio. *h* Roſin. ant. l. 8. c. 3.

Cœlia lex.

Cœlius Trib. Pl. eſtabliſhed a law, that not only in mulcts and mercements, but alſo *In perduellionis judicio*, that is, in taintments of treaſon againſt any perſon of State (namely ſuch as were *ſacro ſancti*) or againſt the common-weale, this *Tabellary* liberty ſhould have place, when the people ſhould judge thereof. Cic. 3. de leg.

In perduellionis jud.] [i] This word *perduellis* doth ſignifie an enemy unto the ſtate, a traitour; and hence cometh this word *perduellio*, ſignifying not only the crime of treaſon, but the puniſhment alſo due thereunto, [k] *Si crimen quod erat gra viſſimum* *i* Cœlius Sec. Curio in orat. pro Milone. *k* Sig. de jud. lib. 3. c. 3.

viſſimum inter crimina, nempe imminutæ majeſtatis: ſi pœna, quæ erat acerbiſſima, nempe mortis.

Cic. de leg. 3.

Papiria lex.

C. Papiria Carbo Trib. Pl. perſwaded that not only in their elections, but in the propoſall of their lawes alſo, this ſuffraging by tablets ſhould be uſed.

Cic. multis in locis.

Sempronia lex.

C. Sempronius Gracchus Trib. Pleb. preferred a law, that the Aſſociats of *Latium* ſhould have as great right of ſuffraging, as the Roman Citizens.

Manilia lex.

Cic. pro Mur.

C. Manilius Trib. Pleb. preferred a law, that all thoſe who were *Libertini*, in what Tribe or Ward ſoever, ſhould have the right of ſuffraging.

Cap. 6.

De Senatu & Senatoribus.

Claudia lex.

Cic. Verrin. 7.

Q. *Claudius Trib. Pleb.* perſwaded a law, that no Senatour or Senatours father, ſhould have any ſhip, which ſhould containe above three hundred of thoſe meaſures called *Amphoræ*, deeming that ſufficient for the tranſportation of their corn from the Roman field. Secondly, by this law the Senatours were forbidden the uſe of trading.

l Alex. Gen. dier. l. 2. c. 20.

Amphora] l *Alexander Neopolit.* obſerveth two ſorts of theſe meaſures, namely *Amphora Italica* containing two *Vrnas*, and *Amphora Attica* containing three *Vrnas*: every *Vrna* contained two gallons and a pottle. This in probability is underſtood of the *Italian Amphora*.

Tullia lex.

Cic. Philip. 1.

When as a cuſtome had growne, that many of the Senators having by ſpeciall favour obtained *Liberam legationem.*

upon

upon all occaſions would abuſe that their authority, procuring thereby their private gaine, and the increaſe of their own honour, then *M. Tullius Cic.* being Conſul, laboured quite to take away theſe kindes of embaſſages, which though he could not effect, yet thus far he prevailed, that whereas in former times this *Libera legatio* being once obtained, was never (not through a mans whole life) taken from him again: yet afterward this authority ſhould never be granted to any, longer then the ſpace of one yeare.

Legatio Libera] We may obſerve in ancient Authours three ſeverall kindes of embaſſages. The one, which is a meſſage ſent from the Prince or chief governours of one country unto another, and that is expreſſed commonly by this one word *Legatio*, without any addition thereunto; ſometimes it is called *Legatio mandata*. The ſecond, which is when one purchaſeth the title of an Embaſſadour, thereby the more honourably to performe ſome vow made, whence it was called *Legatio votiva*. The third is the office or title of an Embaſſadour, granted upon ſpeciall favour unto a Senatour, that he might with the greater authority proſecute his private ſuits in law, or gather up his debts in that Province whither he went; this laſt was termed *Legatio libera*. All three ſorts are briefly touched by [m] *Toxita*.

[m] M. Toxita in orat. Phil. 1.

CAP. 7.

De Magiſtratibus.

L. *Cornelius Sylla* being *Dictator*, made a law, that all ſuch as would follow him in the civill warre, ſhould be capable of any office or magiſtracy before they came unto their full yeares. A ſecond part of this law was, that the children of ſuch as were *proſcripti*, ſhould be made uncapable of the Roman Magiſtracies. Cic. in Piſon.

Before they came to their full age.] For *L. Villius* preferred a law, whereby he made such as were under age, to be uncapable of the city preferments: and those he accounted under age, who had not attained unto that number of yeares which he had prescribed each severall office: and this law was termed *lex annalis*.

n P. Ramus in Agrar. 2.

Proscripti were such persons as were banished. For the fuller understanding, look Proscription in the Tract of punishments. *Julius Cæsar* did contrary to this law, *Admisit ad honores & proscriptorum liberos, Sueton. Jul.* 41.

Hircia lex.

Cic. Phil. 13. *A. Hircius* made a law, that all those that followed *Pompey*, should be made uncapable of all places of office.

Cornelia lex.

Cic. Phil. 2. *L. Cornelius Sylla* finding the *Prætores*, that is, the L. chief Iustices not to give sentence alwayes according to equity, yea sometimes to go quite contrary to their own Edict, made a law, that every L. chiefe Iustice should administer justice according to that his first Edict hanged up at the beginning of his office. And addition unto this law was, that the L. chiefe-Iustice should not be absent out of the City above ten dayes.

Clodia lex.

Cic. pro Sext. In former times it was lawfull for either of the Censors to censure whom he pleased, and how he pleased, except his fellow Censors did plainly gain-say it, and make opposition therein. But many abusing this their authority, *P. Clodius Trib. Pleb.* made a law, that the Censors should not over-skip any in their election of Senators; neither should they brand any with disgrace, except such as had been accused unto them, and been condemned by them both.

Valeria lex.

Cic. Verrin. 4. The office of a Dictator at the first institution continued but six months space, untill *L. Valerius Flaccus* being *Interrex*,

rex, in the vacancy of the Conſuls, preferred a law, that *L. Cornelius Sylla* ſhould be a perpetuall Dictator.

Cornelia lex.

Cic. 3. de leg.

L. Cornelius Sylla in the time of his Dictatorſhip, did by vertue of a law preferred by him, clip the authority of the *Tribuni Pl.* diſabling them of bearing any office after the expiration of their Tribuneſhip, taking away their authority of preferring laws, of uſing any ſolemne ſpeech or publike oration unto the people, of hearing appeals, of hindring any ſtatute, or decree tending to the hurt of populacy.

Cap. 8.

De Legibus.

Cœlicia Didia lex.

Cic. pro dom. ſua ad pontif.

Q. *Cœlius Metallus, & Titus Didius* being Conſuls, forbad that *Unâ rogatione*, that is, in one and the ſame bill many things ſhould be propoſed unto the people; leſt by that meanes, the people by granting the whole bill, might grant ſomething which they would not, or in denying the whole bill might deny ſome particular clauſe, which by it ſelfe they would have accepted. Moreover theſe two *Conſuls* ordained, that before a law ſhould be asked in the aſſemblies, it ſhould be promulged, that is, hanged up to the publike view of the people three market daies.

Junia Lacinia lex de trinundino.

Cic. Phillip. 5.

Junius Silanus, and *L. Licinius Murana* being Conſuls, eſtabliſhed that law of *Cœcilius* and *Didius*, annexing a more ſevere puniſhment for the breakers thereof.

Clodia lex de interceſſione.

Cic. pro Sext.

P. Clodius Trib. Pleb. made a law, that the *Trib. Pleb.* ſhould have full authority and power to propoſe lawes; neither ſhould they be hindred by the *Interceſſion*, that is, gain-laying of any.

Licinia Æbutia lex.

Cic. pro domo ſua ad Pontif.

Licinius and *Æbutius* being *Trib. Pleb.* ordained that if any preferred a law touching the overſight, the charge, or cure of any buſineſſe in hand; neither he, nor any fellow officer with him, nor any allied unto him, ſhould have this overſight, or charge committed to him.

Cap. 9.

De Provinciis.

Sempronia de Provinciis.

Cic. de prov. conſularibus.

C. *Sempronius Gracchus Trib. Pleb.* ordained, that the Senate every yeare before the election of their *Conſuls*, ſhould as it ſeemed beſt to them, appoint out what provinces the Conſuls now to be elected, ſhould after the expiration of their office goe unto; for which Provinces afterward the Conſuls deſigned ſhould caſt lots. Another clauſe to this law was, that whereas in former times by a decree from the Senate, it was lawfull for the *Tribunes* to hinder the Roman aſſemblies, hence forward they ſhould have no authority.

Cic. ep. 9. ad Lentul.

Cornelia de Provinciis.

L. Cornelius Sylla being Dictator, preferred a law, that whoſoever went into a Province *cum imperio, tamdiu illud imperium retineret, quoad in urbem reverſus eſſet:* whereas in former times his rule and government was to be reſigned at the expiration of a ſet time appointed: yea although no ſucceſſour were ſent, yet could he not continue there *cum imperio* without a new commiſſion. A clauſe added unto this law was, that after the coming of any new Preſident or Governour into the Province, the old Provinciall Preſident ſhould depart within thirty dayes.

p Sig. de jure Prov. l. 3. c. 13.

q Sig. ejuſd. lib. cap. 6.

Eſſe cum imperio,] that is, [p] *exercitui præeſſe,* [q] *vel habere jus adminiſtrandi, & ſuis auſpiciis gerendi belli.*

Titia

Titia lex de Provincia.

Titius, or (as some say) *Decius*, preferred a law, that the Provinciall Treasurers called *Quæstores*, should cast lots for their Provinces: whence *Tully* in the Oration now quoted inferreth, that although *Ostia* being the better Province fell upon *Servius Sulpitius*, yet in as much as it fell *Lege Titiâ*, that is, by casting lots, he could not therefore challenge any superiority above *L. Murana*, *sed utriusq; nomen consedit in Quæsturâ*, that is, their fame and renown was equall in their *Quæstorship*. Cic. pro L. Muræn. r Melanct. in orat. pro Muræna.

Julia lex de Provinciis.

C. Julius Cæsar established two laws touching the *Roman* Provinces: one that no *Prætor* should govern a Province above twelve months; nor *Proconsul* above two yeare. The severall heads or clauses of his second law could not all bee found out, but those which have come to light are these. First that *Achaia*, *Thessalia*, and all *Græcia* should be free; neither should any *Roman* Magistrate sit in judgement in those Provinces (*Cic. pro domo*) Secondly, that the Provinciall governours and their *Comites*, that is, assistants, or attendants, should have hay, and all other necessaries provided them on the way, by those Townes and Villages through which they passed. (*Cic. in Pison.*) Thirdly, that the Provinciall Magistrates at their departure should leave a book of their accounts in two Cities of their Province, and likewise should send a copy of their accounts unto the *Roman* Treasure-house. (*Cic. in Pison.*) Fourthly, that it should neither be lawfull for the people to bestow, nor for the Provinciall Magistrate to receive *Aurum coronarium*, unlesse it were in a triumph (*Cic. in Pison.*) Lastly, that it should be unlawfull for the Provinciall Magistrate without the allowance of the people or the Senate, to depart out of their Province, to lead forth any army to wage war, or to goe into any forraigne countrey. (*Cic. in Pison.*) Cic. Phil. 1.

Aurum Coron.] There was a custome among the Romans in ſ Lipſ. de mag. Rom. l. 2. c. 9.

in times of victory to present unto the L. Generall Coronets of Gold, instead whereof the after-ages presented a ctetaine summe of money, which was thence called *Aurum coronarium.*

Vatinia de Provinciis.

Cic. pro Balb. *P. Vatinius Trib. Pleb.* procured a law, that *Julius Cæsar* should have the government of *Gallia Cisalpina* & *Illyricum* for five yeares space, without any decree from the Senate, or casting lots. Secondly, that they also should goe as Legates, or L. Deputies unto *Cæsar*, without any decree from the Senate whosoever were nominated in that law. Thirdly, that *Cæsar* should receive money out of the common Treasure-house towards having an Army. Lastly, that he should transplant a Colony unto a certaine towne of *Cisalpina Gallia*, called *Novocomum.*

Clodia de Provinciis.

Cic. pro Domo. *P. Clodius* being *Trib. Pleb.* procured a law, that the government of *Syria, Babylon* and *Persia*, should be committed to *Gabinius*, the government of *Macedonia, Achaia, Thessalia, Græcia*, and all *Boëtia* should be committed unto *Piso*; and they should receive together with an army, money out of the common Treasury towards their journey.

Clodia altera de Cypro.

Cic pro Sext. *P. Clodius* preferred another law, that the Iland *Cyprus* should be made a Province. That *Ptolomæus* the King of *Cyprus* sitting in his purple, with his scepter & other his princely ornaments, *Præconio publico subjiceretur, & cum bonis omnibus publicaretur*, that is, should himselfe with all his goods be sold by a common cryer. That *M. Cato* being then Treasurer, *cum jure Prætorio, adjecto etiam Quæstore*, having by commission the office of a L. chief Justice, and another Treasurer to accompany him, should be sent into the Iland *Cyprus*, both to make sale of the Kings goods and Estate, and also to bring back the money. Lastly, it was decreed by this law, that those who lived in exilement at *Byzantium*, being condemned

condemned for ſome capitall crime, ſhould be brought back unto the city, under the name of Romans.

Præconi publico ſubjiceretur:] For the better underſtanding of that phraſe, we are to underſtand the manner of port-ſale among the Romans: which we may reade in *Sigonius* thus. Thoſe things were rightly ſold in portſale, which were publiquely ſold *Per præconem ſub haſtâ*, that is, by the cryer under a ſpeare ſticked up for that purpoſe, and ſome Magiſtrate making good the ſale by delivery of the goods. Whence I take *Publico præconi ſubjici*, and *Haſtæ ſubjici* to ſignify one and the ſelf-ſame thing, namely, to be ſet at ſale: and [t]*Cicero* uſeth almoſt the ſelf-ſame phraſe *Bona C. Pompeii, voci acerbiſſimæ ſubjecta præconis.* This kind of ſale was tearmed *Auctio*: becauſe as *Sigonius* ſaith in the ſame place, to him the goods were ſold, *Qui plurimùm rem augeret*, that is, which would bid moſt for it: and hence is the ſeller thereof termed *Auctor*, as [u]*Cic. Id quod à malo auctore emiſſent*, that is, that which they had bought of one, which had no authority to ſell: and from this cuſtome of ſetting up a ſpeare in this kind of ſale, this word *Haſta* alone is uſed, to ſignifie port-ſale, as [x]*Haſta Cæſaris*, the ſale of *Cæſars* goods. Thoſe who bought theſe goods [y]*Tully* doth call *Sectores*, [z]*quia ſpem lucri ſui ſectabantur.* In ſuch kind of ſales, a catalogue, or note of the goods to be ſold was hanged up in tables, for the publique view of paſſengers. Whence ſuch goods were termed *ſuſpenſa bona.* And if any friend would redeem the goods, then did he *dejicere libellos*, that is, put in bands and ſecurity to anſwer the matter. The phraſe is uſed by *Tully Cic. pro Quintio.* And alſo by *Seneca de benef. lib.* 4. *cap.* 12. *Suſpenſis amici bonis libellum dejicio, creditoribus ejus me obligaturus.* It is thus explained by *Turnebus adv. l.* 12. *cap.* 9. If the ſale proceeded on, then ſuch as propoſed to be chapmen ſignified their deſire by holding up their finger: whence *Digitum tollere* ſignifieth the deſire of buying ſuch goods. *Alex. ab Alex. lib.* 4. *cap.* 26

[t] Cic. Phil. 11.

[u] Verrin. 7.

[x] Cic. Phil. 8.

[y] Cic. in Ver.

[z] Cic. de Jud. lib. 2. c. 24.

Cap. 10.

De Legibus Agrariis.

THoſe lawes were termed *Leges Agrariæ*, which did concerne the diviſion of the publick, or common fields: And theſe vvere either given by *Romulus* and other Kings, or taken from the enemies, or from private men which had made incloſures; or laſtly bought out of the common Treaſury, [a] *Vide Sigon.*

a Sig. de jur. Ital. l. 2. c 2.

Sempronia lex Agraria.

b Cic. pro Sext.

[b] *Titus Sempronius Gracchus Trib. Pleb.* preferred a lavv, which forbad that any of the *Romans* ſhould have to his own part above five hundred acres of the common fields, the one halfe of which it was lawfull for his ſonne to enjoy. If it had ſo happened that any ſhould enlarge theſe common fields, three ſurveyers called the [c] *Triumviri agro dividendo*, did marke out which was common, which private ground. Moreover it was by this law provided, that the mony of King *Attalus*, who made the people of *Rome* his heire, might be beſtovved upon thoſe citizens, which had by this law obtained a part of the common fields, to the buying of inſtruments for husbandry. Moreover that the Kings lands ſhould be farmed out at a ſet rent by the *Cenſors*, vvhence an yearely tribute ſhould be paid to the people.

c Sic. de jur. Ital l. 2. c 2.

Cornelia lex.

Cic. in Rul.

L. Cornelius Sylla being Dictator, preferred a law, that all the fields of thoſe *Romans* which he had baniſhed ſhould be common. This publication is to be underſtood chiefly of thoſe fields in *Thuſcia*, neare unto the city *Volater*, and the city *Feſula*, which grounds *Sylla* divided amongſt his ſouldiers.

Cap.

CAP. II.

De frumentariis legibus.

Sempronia lex.

T *Sempronius Gracchus* being Tribune of the Commons, provided that a certaine quantity of corne ſhould monethly be given unto the poorer ſort at a low price, *Semiſſe & triente:* that is, about ſix pence farthing a buſhell. Hereupon was there a place appointed in *Rome*, for the keeping of this common corne, together with certain lawes hanged up there called *leges frumentariæ*. This place was called [c] *Horrea Sempronia*. The quantity of corne laid up in every city for this purpoſe is by the latter Lawyers termed *Canon*: as *Canon Alexandrinus, Canon urbis Romæ, &c. vide Stuck. de conviv. lib.* 1. *cap.* 35. Cic. pro Sext. [c] Roſin. ant. l. 8. c. 21.

Semiſſe & triente.] It appeareth by the next law, that *Semiſſis* in this place muſt ſignify the ſame as *ſenis æris* doth there. Whereby we may note, that *ſemiſsis* doth not alwaies ſignify the halfe part of the *Roman* coyne called *As*, but ſometime it ſignifieth a greater coyne valuing almoſt our ſixpence.

Clodia lex.

P. Clodius Trib. Pl. ordained, that that corn which heretofore was ſold to the poore *ſenis æris & trientibus in ſingulos modios*, that is, for ſixpence farthing a buſhell, ſhould hereafter be given *gratis*, the charge and overſight of this dole was committed to *Sext. Claudius*. Cic. pro Sext. in Piſon.

Terentia Caſſia.

M. Terentius and *C. Caſſius* being Conſuls, preferred a law, *Uti altera decuma à provinciis coemeretur, pretio in ſingulos modios* H.S. *trium conſtituto. Item ut civitatibus æqualiter imperaretur, pretio in ſingulos modios* H.S. *quatuor conſtituto.* Cic. Verrin 5. & 7.

For the better underſtanding of this lavv, vve muſt note
[d] Sig. de jur. Prov. l. 1. c. 1. a threefold tithe paid by the Provinces. The firſt vvas the tenth part of the graine growing in the Province to be paid in *gratis*, and that vvas properly called *Decuma*, or *frumentum Decumanum*, and thoſe that took this tithe to rent were called thence *Decumani*. A ſecond ſort of tithes was a certaine quantity of corne taken up for the L. Preſident or chief governour of the Province, to keep his houſe, & that was called *Frumentum æſtimatum*, that is, corn gathered up by way of taxation: for ſo this word *æſtimo* comming from *æs* doth
[e] Fr. Sylv. in orat. pro Cluentio. ſignifie, [e] *Eſt autem æſtimare ab ære dictum, id quod vulgò dicunt appreciare & taxare.* The third ſort of tithes, was when the Senate finding ſcarcity of corne in *Rome*, did injoyn the Provinces to ſell them a quantity of corn at a price ſet down by the Senatours themſelves, and this corn ſold upon injunction, if it was paid but once in the yeare, it was termed *Frumentum emptum*; but if in the ſame yeare a ſecond ſale was injoyned them, then they called that ſecond pay, *Frumentum imperatum*. In the firſt clauſe of this law by [*alterâ decumâ*] is meant *Frumentum emptum*; in the ſecond clauſe, by theſe words [*civitatibus æqualiter imperaretur*] is underſtood *Frumentum imperatum*.

Lex Hieronicâ.

Cic. Verrin. 4. *Hiero* King of *Sycily* obtained a law, vvherein was ſet down the quantity of corn that the *Aratores* or country farmers ſhould pay unto the *Publicani*, that is, thoſe which received the tithes, together with the time of payment, and this price agreed upon.

Cap. 12.

De legibus ſumptuariis ſive cibariis.

IN ancient times there was a commendable frugality among the *Romans* in their feaſt, but after ages grew to immoderate exceſſe therein, ſo that whole Goates and Boars,

Boars,&c. were ſet on the table at one time. Such a hog thus dreſſed, *Cincius* was wont to call [a] *Porcum Trojanum*, alluding to the *Trojan* horſe; becauſe the belly thereof was ſtuffed with variety of fowle and rabbats, and ſuch like, as the *Trojan* horſe was with armed men. This kind of exceſſe *Tiberius Cæſar* laboured to redreſſe, by ſerving at his table cold halfe-eaten diſhes at ſolemne feaſts, uſing this proverb, [b] *Dimidiatus aper omnia eadem habet quæ totus.* Hence alſo men of ſeverer diſcipline enacted lawes termed *Leges ſumptuariæ*, or *Cibariæ*, which preſcribed a moderation, not only for the charges in their greateſt feaſts, that they ſhould not exceed ſuch and ſuch ſummes of mony, but alſo for the gueſts to be invited, that they ſhould not exceed ſuch a number. The chiefe of theſe lawes were theſe that follow.

[a] Stuck. de conv. v l. 3. c 3.

[b] Suet. Tiber. 34.

Lex Orchia.

C. Orchius being protector of the commons, by the conſent of the Senate, the third yeare before *Cato* was *Cenſor*, preferred a law, whereby he only moderated the number of gueſts, without any limitation of the charges or ſuperfluous expence at feaſts.

Lex Fannia.

Twenty two years after *Orchius* his law, *C. Fannius* being *Conſul* enacted another, for the moderating of expences, allowing *Non plures denis aſſibus* to be ſpent in their ordinary feaſts: But upon thoſe more ſolemne feaſts dedicated unto *Saturn*, and from thence called *Saturnalia*; likewiſe when any publique games were exhibited by the Roman people, he then allowed *Centum aſſes*, ordaining that no other fowle ſhould then be dreſſed but only one hen, and that not fatted for the purpoſe.

Non plures denis aſſibus] The *Roman* coyne *As* was ſo called [c] *quaſi æs*, becauſe the matter thereof was *braſſe*; [d] at firſt it conſiſted of a full pound weight; afterward in the firſt *Punick* warre, by reaſon of the ſcarcity of mony, they made of every pound of braſſe ſix of thoſe coynes, each valuing as much

[c] Varro lib. 4. de ling. Latin.
[d] Plin. l. 35. cap. 4.

much as they did at first. In the second *Punick* warre there were twelve made of every pound; at last by vertue of a law which *Papirius* enacted, foure and twenty were made of a pound; and so they continued; the value alwayes remained the same, *videl.* ob. q^t. so that to allow but ten of these to a feast, seemeth a matter altogether uncredible, but consider with the frugality the cheapnesse of those times, it may bee granted for a truth; for ten of these were the price of a sheep, and a hundred the price of one Oxe.

a A. Gel. 13. cap. 2.

Lex Didia.

Eighteen yeares after *Fannius, Didius* ordained that the former sumptuary lawes should bee of force, not onely in *Rome*, but throughout *Italy*; Moreover that not only the feast-maker transgressing, but all the guests should be liable to the penalty.

Lex Licinia.

P. Licinius Crassus preferred a law in a manner agreeing with the *lex Fannia*, whereby he rather confirmed *Fannius* his law being now antiquated, then made a new.

Lex Cornelia.

Cornelius Sylla beng Dictator ordained a lavv for the price of meats, so that he was thought by cheapnesse of victuals to encrease rather then to restraine superfluities at feasts.

Lex Antia.

Antius Restio preferred a usefull lavv, to moderate expences in feasting, which notwithstanding was violated, and in a manner abrogated by the contrary practice of the Citizens in generall. For which cause, *Restio* afterwvard being invited, would never come to any feast, because he vvould not be an eye-vvitnesse of the contempt of that lavv which himselfe had caused. If any desire to see more lavves of this nature, let him read *Stuc. conviv. lib.* 1. *cap.* 3. *Aul. Gel. lib.* 2. *cap.* 24. And *Macrob. Saturn. lib.* 3. *cap.* 17.

Cap. 13.

De re militari & bellis.

Gabinia lex.

A *Gabinius Tr. Pl.* preferred a law, that the managing of the warre against the Pyrats should be in such manner committed unto *Pompey* for three years space, that over the whole sea between *Hercules* his pillars, and in the Maritane provinces unto the foure hundreth *Stadium* from the sea, he should have power to command any Kings. L. Presidents, or whole corporations, to furnish him with all things necessary to that warre. Cic. pro lege Manilia.

Manilia lex.

C. Manilius Trib. Pl. perswaded a law, that the managing of warre against *Mithridates* should be committed unto *Cn. Pompeius*: That the whole province where L. *Lucullus* ruled, together with his whole army should be resigned unto him: Moreover that *Bithinia*, where *Glabrio* ruled should be added, together with all those bands and forces, which he had upon the sea against the Pyrats; and all those provinces, over which the law *Gabinia* did entitle him governour, as *Phrygia, Licaonia, Galatia, Cappadocia, Cicilia, Colchis superior*, and *Armenia*. Cic. pro lege Manilia.

Cap. 14.

De Tutelis.

THis word *Tutela* doth signifie a wardship, guardianship, or protection of a child in his nonage: whereof *Camerarius* observeth foure sorts, and wee may with *Peditarius* add the fift. Either the overseers were appointed by will; or else the next of the kinne were overseers; or the Magi- *f* I. Camerar. in orat pro L. Flacco.

magistrate did appoint whom he thought fit: and these three sorts [g] *Omphalius* calleth thus: the first *Testamentariam*, the second *Legitimam*, the third *Dativam*. The fourth sort *Camerarius* calleth *Tutelam fiduciariam, quæ eorum est, qui emancipati desiissent esse agnati.* The fifth [h] *Pellitarius* calleth *Tutelam honorariam*, namely, when as the office of administration is committed to others, but yet certain chiefe overseers were appointed to see the will performed, who were called *Tutores honorarii.* [i] Where we must note, that the law provided overseers, not for children under age only, but for women also.

[g] I Omphal. in orat pro Cæciana.

[h] Pellitarius. pro Cæcin.

[i] Cic. pro Muræn.

· *Emancipati desiissent esse agnati*] by the *Roman* law every sonne was in such subjection unto his father, that before he could be released of this subjection, & made free, he should by an imaginary sale, [k] be sold three times by his naturall father to another man, who was called by the lawyers [l] *Pater fiduciarius*; that is, a father in trust; yea, and be bought again by the naturall father, and so manumised by him, & then he became free. The form of this kind of sale, or alienation, is set down more at large in the explanatiõ of one of the lawes that followeth, with an exmple not much unlike this. This imaginary sale was called *Mancipatio*, the children thus alienated from the father were termed *Emancipati*, this forme of setting free was termed *Emancipatio*. This *Fiduciaria tutela* then, in my opinion was thus. That when any goods did fall unto a child thus alienated, by the death of his father, then should not the oversight of this child fall unto the next of the kin, termed *Agnati*, but *Quoniam desiit esse agnatus*, that is, because he had in a manner lost his alliance with his kindred, therefore should the oversight of the child belong unto the father in trust, termed *Pater fiduciarius* · Whence the guardianship it selfe was called *Tutela fiduciaria.*

[k] Vid. leg. 12. tabuli.

[l] Sig. de jure Rom l. 1. c. 10.

Latoria lex.

This law made by *Latorius* provided, that there should be overseers appointed for those which were distracted, or did

Cic. 3. de offic

did prodigally waſte their patrimony. For, as it appeareth by the common adage; *Ad Agnatos & Gentiles deducendus eſt*, they did account all prodigals mad men: they meaning no more by that, then we do by our Engliſh proverb, when we ſay of a ſpend thrift, Let him be begged for a foole. The reaſon of their adage was, becauſe if any were diſtracted, by the Roman law his wardſhip fell, *Ad agnatos & Gentiles*, that is, to the next of the kindred.

CAP. 15.

De Teſtamentis.

BEfore we deſcend unto the lawes themſelves, we will explaine thoſe three divers ſorts of Wills in uſe amongſt the Romanes: Namely, *Teſtamentum calatis comitiis*; which was ſo called, becauſe twice in the yeare in time of peace the *Romane* people aſſembled themſelves together, to this end and purpoſe, that if any would make his will, the whole people might bear witneſſe thereunto: theſe aſſemblies were termed *Calata comitia*. Secondly, *Teſtamentum in procinctu*, that is, when a ſouldier in time of war, ready to give battle, did call out three or four of his fellows, & in the audience of them did by word of mouth pronounce his laſt will & teſtament. Thirdly, *Teſtamentum per emancipationem familiæ*, that is, by making over his goods and poſſeſſions under a fained form of ſale, unto a ſecond party, called *Hæres fiduciarius & imaginarius*, i.e. an heir in truſt, who ſhould afterward reſigne them unto the true and lawfull heir: & this imaginary kind of ſale, was performed with certain ſolemnities *circa æs & libram*, and alſo the ſale it ſelfe was ſometimes called *Nexus*, as likewiſe *Emancipatio*. Hence was the will ſometimes called *Teſtamentum per æs & libram*, ſometimes *Teſtamentum per nexum*. For the proofe of this which hath beene delivered, touching the three

sorts of wills I will referre the reader to [m] *Sigonius.*

m Sig. de jure Rom. l. 1. c. 12.

Furia lex.

Cic. Ver. 3. *C. Furius Trib. Pleb.* made a law, that it should not be lawfull for any to give away, in way of legacy unto any, except to the kinsmen of him which manumised him, or some other certain persons, *supra mille asses*, that is, above fifty shillings or there about, there going two *Asses & semis* to the making of one *Sesterius.*

Voconia lex.

Cic. Ver. 3. *Q. Voconius Saxa Trib. Pleb. tulit legem, Ne qui census esset, virginem, neve mulierem supra quadrantem suorum bonorum haeredem instituret, plusve cuiquam legaret, quàm ad haeredem, haeredesve perveniret.*

Census.] This word *Census* doth sometimes signifie all such as have tendred the just valuation of their estate unto the *Censors:* and then *Incensus* is opposite unto it; signifying such an one as hath not tendred his estate or name to be registred by the *Censors.* But in this place *Census* is taken for such a rich man, whose estate was in the *Censors* book valued at one hundred thousand *Sesterces.* (*vid. Asconium in Verrem* 3.)

Supra quadrantem suorum bonorum.] that is, No woman should be heire to more then one quarter of such a rich mans goods. For the right conceiving of this, we must note with [n] *Latomus*, that the whole inheritance (were it never so great) was termed *As*, and that was divided into twelve parts, which the lawyers called *Uncia: Duae uncia dicebantur Sextans, tres Quadrans, quatuor Triens, quinq; Quincunx, sex Semissis, septem Septunx, octo Bessis, novem Drodans, decem Decunx, undecem Deunx, Totum As ut dictum est.* Again every *Uncia* was divided into six parts called *Sextula: Duae sextulae Duellam, tres Semunciam faciunt.* So then according to the lawyers (as [o] *Alexander* observeth) if there were one heire alone instituted, he was termed *Heres in Assem totum institutus*; if otherwise there were many co-heires, then was it

n Barth. Latom. in orat. pro Cecinna.

o Alex. Gen. dier. l. 1. c. 1.

it according as the *Teſtator* did appoint. Some were *ex Deunce hæredes*, that is, heires to eleven parts of his goods, there being but one part beſtowed from him: ſome were *hæredes ex quadrante*, that is, heires to one quarter of his goods: others were *Hæredes ex ſemuncia*, that is, they had the foure and twentieth part: others were *Sextula aſperſi*, that is, they had the threeſcore and twelfth part of the whole *As*, that is, of the whole inheritance, be it more or leſſe, &c. Here we muſt underſtand, that there is great difference between theſe two phraſes; *Inſtitui hæres in totum Aſſem, & ex toto Aſſe.* For all thoſe, which we nominated *Hæredes*, whether it were *ex Dodrante, Quadrante, vel Semuncia*, or howſoever, yet were they termed *Hæredes ex toto Aſſe*, that is, they were not *Legatarii*, ſuch as received legacies. Now none can be ſaid *In totum Aſſem inſtitui*, but he which is the alone and ſole heire unto the whole.

Cap. 16.

De uſu-capione.

Atinia lex.

A *Tinius* made a law, that the plea of preſcription, or long poſſeſſion, ſhould not availe in things that had been ſtoln, but the intereſt which the right owner had in thoſe ſtolne goods, ſhould remaine perpetuall. The words of the law are theſe: *Quod ſurreptum eſt, ejus rei aterna auctoritas eſſet.* Where by [p] *auctoritas* is meant *jus dominii.* This crime of theft, as likewiſe of uſury, was ſo odious unto the *Roman*, that whoſoever was found guilty thereof, was condemned [q] *Lege quadrupli*, that is, to pay foure times as much: whence the informers againſt ſuch, were termed *Quadruplatores.* Cic. Ver. 3.

[p] Sig. de jure Rom. l. 1. c. 11.

[q] Fr. Sylv. in Verrem 1.

Cap. 17.

De Judicibus, & Judiciis.

Lex accusatoria.

Cic. pro Mur. *Tully* mentioneth a law termed *Lex accusatoria*, which in truth was no law, neither was there any author thereof: but there was such a received custome amongst the *Romans*, that the accuser should object against the party accused, not only the present crime then questioned, but all other scapes and faults committed long before, to the bettering of his matter: that at length this accusatory custome became in manner of a law, and so was called *Lex accusatoria*, vid. *Franc. Sylvium in orat. pro Mur.* [7] Their custome also was to procure others to joyne with them in their accusations; those [ſ] *Tully* calleth *Subscriptores*, because they did subscribe unto the accusation.

7 Alex. Gen. dier l. 3. c. 5.
ſ Cic. pro Muræn.

Lex Servilia & Sempronia.

Curio in orat. pro Scauro. Whereas *Sempronius* had preferred a Law, whereby hee took away the authority of sitting in judgement from the *Senators*, and appropriated it to the *Roman* Gentlemen, Q. *Servilius Capio* being *Consul* did afterward prefer another law, whereby the administration of judgement was divided between the Senators and the Gentlemen.

Rupilia lex.

Cic. in Ver. [t] Sig. de jure Prov. l. 2. c. 5. *Rupilia lex vetebat diebus triginta sortiri dicam.*] Here we must note with [t] *Sigonius*, that this law was of force only in the Province of *Sicilia*: also that it is one thing *scribere dicam*, that is, to enter an action; another *sortiri dicam*, that is, by lots to choose the Judges, which was 30. dayes after.

Livia lex.

Cic. de orat. l. 3. Though by vertue of *Servilius* his law, the Senators were made capable of the office of a Judge, yet they were not thereby

thereby equally capable with the Roman Gentlemen: and therefore did *M. Livius Druſus* ordaine, that the Judges ſhould be elected equally out of both orders, namely, three hundred out of the *Senate*, and three hundred out of the Gentry.

Plautia lex.

M. Plautius Sylvanus preferred a law, that the number of Judges ſhould be choſen, not only out of the *Roman Senators* and Gentlemen, but out of the populacy alſo, namely, out of every Tribe fifteen Judges. Cic. pro Cornel.

Aurelia lex.

L. Aurelius Cotta being *Prætor* made a law, that the Judges ſhould be choſen out of the *Senators*, the Gentlemen, and thoſe Martiall Treaſurers, or Clarkes of the band called *Tribuni ærarii*. Cic. in Ver. ſæpe.

Pompeia lex.

Cn. Pompeius Magnus being Conſull ordained, that the Judges ſhould be elected out of the wealthieſt *Centuries*, tying the election notwithſtanding to thoſe three degrees of people, namely Senators, Gentlemen, and Martiall Treaſurers; alſo he added that the number of Iudges to examine cauſes ſhould be ſeventy and five. Cic. in Piſon.

Julia lex.

C. Iulius Cæſar ordained, that the election of Judges ſhould be out of the Senators and Gentlemen onely, leaving out the Martiall Treaſurers, and this *Tully* calleth *legem Judiciarium Cæſaris*. Cic. Philip. 1.

Antonia lex.

M. Antonius tulit legem, ut tertia judicum decuria è Centurionibus, Anteſignanis, Alaudis, Manipularibus fierit. Cic. Philip. 1. & 5.

Judicum decuriæ:] When the L. chief Juſtice had taken his oath, he choſe out ſome *ex certis ordinibus, non ex omni populo*, that is, out of ſuch degree and place, as the law required, to ſit in judgement on thoſe caſes, which were termed *cauſæ publicæ*: and theſe Judges he afterward divided into leſſer

numbers called *Decuria vid. Sigon. de jure Rom. lib. 2. c. 12.*

E Centurionibus,] *Centuriones* were Captaines over an hundred footmen.

Anteſignanis.] This word *Anteſignanus* hath a double acception in the *Roman* hiſtories. Sometimes *Anteſignani* do ſignifie the third part of the *Roman* Army: For all thoſe ſouldiers that fought before the banners or enſignes, as they were called *Haſtati* in reſpect of their weapon, ſo were they called *Anteſignani* in reſpect of their enſignes, before which they fought. The ſecond part of the Army, as they were called *Principes* in reſpect of their Proweſſe, and valour, ſo were they called *Subſignani*, as fighting under the enſignes. The third part, as they were called *Triarii*, becauſe they fought in the third, or rereward, ſo were they called *Poſtſignani*, as fighting behind the enſignes. Where we muſt not think, that thoſe which were called *Anteſignani* and *Subſignani*, were altogether diſtitute of enſignes among themſelves: (for every Maniple had his enſigne:) but the Eagle, and other chief enſignes were carried by the *Subſignani*, and in reſpect had to them they had their names. And hence ariſeth the ſecond acception of this word, namely, that all thoſe ſouldiers of every Maniple, which ſtood in front before their enſigne were called *Anteſignani*, and thoſe were commonly the beſt ſouldiers in the company. See for the ſeverall proofes of this, *Lipſ. milit. Rom. lib. 2. dial. 3.*

Alaudis,] *Iul. Caſar* preſſed a legion of ſouldiers out of *Gallia Tranſalpina*, all which afterward he made free of *Rome*. This legion he called *Legionem Alaudarum* from the forme of their helmets, which did reſemble the head of the Lark, called in French *Alauda. Barthol. Latomus in Phil. 1.*

Manipularibus.] Thoſe Captaines which governed a Maniple of ſouldiers, were called *Manipulares. Fr. Maturantius in Phil. 1.*

Lex Cincia de donis & muneribus.

M. Cincius being protector of the Commons, *M. Cornelius*

lius Cethegus, and *P. Sempronius Tuditanus* being *Conſuls*, preferred a law, that no man ſhould receive a gift or bribe from his client for pleading his cauſe. Of this we read in *Plautus*, and he called it *Legem muneralem*: alſo in *Tully de Senect.*

Cornelia lex.

L. Cornelius Sylla preferred a law, that the chiefe Iudge of the bench called *Iudex Quæſtionis*, ſhould referre it unto the choiſe of the defendant, whether he would have judgement paſſed on him *Clam an Palam*, that is, (as *Sylvius* obſerveth) either by voices or by tables. Cic. pro. Cluentio.

Memnonia Lex. Cic. in Ver.

This law (made by *Memnius*) provided, that no action ſhould be entred againſt thoſe, who were employed abroad in buſineſſe for the common-wealth. An addition unto this law was, that whoſoever ſhould *calumniari*, that is, forge an accuſation againſt another, a certain letter ſhould be burnt in his forehead in token of infamy. This law is ſometimes called *Lex Rhemnia*. Here we may with [u] *Fr. Sylvius* obſerve the difference of theſe three phraſes, *Calumniari*, *Prævaricari*, and *Tergiverſari*. He which doth in his accuſation forge faults never committed, is ſaid *Calumniari*. He which undertaketh ones ſuit, and either will not urge reaſons in the behalfe of his client, or anſwer the objections of his adverſary when he is able, is ſaid *Prævaricari*; that is, to play the falſe *Proctour*. He which doth deſiſt in his accuſation, and let his ſuit fall, is ſaid *Tergiverſari*. Cic. pro Sext. Roſcio. u Fr. Sylv. in orat. pro Cluentio.

Lex incerta de Nexu.

In iis rebus quæ mancipi ſunt, in periculum judicii præſtare debet, qui ſe nexu obligavit, that is, if the buyer of any thing in that forme of ſale called *Nexus* be troubled in law, the ſeller thereof muſt ſecure him, and ſave him harmeleſſe. Cic. pro Mur.

Mancipi ſunt] [x] Thoſe things were termed *res Mancipi*, which were alienated from the ſeller *Nexu*, that is, by ſuch a forme of ſale as followeth. The forme was thus: At the leaſt five witneſſes, all *Roman* Citizens and of full age, beſides x Fr. Sylv. in orat pro Mur.

sides one called *Libri pens* (from holding of a paire of ballances) should be present: and the chapman and buyer should come with a certain brasse coine in his hand, and say, (for example sake, if it were a bond-slave to be sold) *Hunc ego hominem ex jure Quiritium meum esse aio, isq; mihi emptus est hoc are*; and forthwith striking the ballance with the brass coyn, he gave it to him that made the sale. This kind of chaffering was termed *Nexus*, as we may suppose *à nectendo*, because it did bind the seller to make good the sale: [y] sometimes it is called *Per æs & libram venditio*, because of the ceremonies used in it. [z] Now it is commonly called *Mancipatio à manûs capione*, from taking that which is sold into ones hands or possession: whence the word *Mancipatus*, and *Mancipium* are used to signifie a bond-slave, that is, in this manner sold; though sometimes *Mancipium* doth signifie the sale it selfe: whence *Cic.* useth this phrase, *Lex Mancipii*, to signifie a clause or condition put in the sale. All things sold after this manner were termed *Res Mancipi*; [b] The word *Mancipi* being a noune indeclinable, as *Frugi*, *Cordi*, *Hujusmodi*, *&c.* and from this forme of sale, the morgaging of land for the paiment of money may seeme to be called *Mancipacio fiduciaria*; He which did thus receive the morgage, or land in way of security, is said to *accipere fiduciam*. *Cic. orat pro L. Placco.* Upon which place saith *Lambinus* in his notations, *Accipere fiduciam, est fundum, aut aliam rem soli seu ut appellant immobilem, ab aliquo mancipare, seu accipere eâ lege ut cùm ille repetat ei remancipet.* We may conject the reason of these ballances, why they should be used in this kinde of bargaining, to be, because in old time they did not bargain by paying coined money, which was called *Æs signatum*, but by paying a certain weight of mony; whence such mony was termed *Æs grave*: And hence it is that metaphorically we translate *Pendo* and *rependo*, to pay and repay.

[y] Sylv. ibid.

[z] Melanct. in orat. pro Mur. & Camerar. in orat. pro Muræn.

[b] Priscian l. 3. vid. Fr. Sylv. in orat. pro Mur.

Alex. Gen. dier. l. 1. c. 15.

CAP. 18.

Cap. 18.

De Majestate.

Lex Varia.

Q. *Varius Trib. Pleb.* made a law, that the *Prætores Quæstores* should sit in judgement upon those, by whom the Allies or Associates had been moved to attempt warre against the *Roman* people. Cic. pro Cornel.

Julia lex.

C. Jul. Cæsar ordained, that such as were condemned of treason, or causing uproares in the Common-wealth should be banished. Cic. Phil. 1.

Cap. 19.

De Ambitu.

THose lawes were termed *Leges de Ambitu*, which were made against indirect or unlawfull courses used in canvasses for offices.

Fabia de ambitu.

This *Lex Fabia* restrained the number of those poor men, who because they were wont to follow up and down, and all the day to attend such as did stand for offices, were thence called *Sectatores.*

Acilia Calpurnia.

M. Acilius Glabrio, and *C. Calpurnius Piso*, being *Consuls* made a law, that such as were convinced of sinister and undirect meanes used in their canvasses, should be fined at a certaine summe of mony set on their heads, and they should be made both uncapable of bearing office, and uneligible into a *Senators place.* Cic. pro Mur.

Senatus conſultum de Ambitu.

Cic. pro Mur. *M. Tullius Cic.* and *C. Antonius* being *Conſuls*, a certain decree was made by the *Senate*, that if ſuch as did either ſalute or attend upon thoſe which ſtood for offices, were hired by any manner of reward, and if any publike prizes were occaſioned to be plaid; or any publike feaſts made by them, they ſhould be liable to the cenſure of *Calpurnius* his law.

Tullia lex.

Cic. pro Sext. *M. Tullius Cic.* made a law, that no man ſtanding for an office ſhould cauſe any publike prize to be plaid, within two years that he either had ſtood, or ſhould ſtand for an office, unleſſe the day had formerly been appointed by ſome will. *Item*, he ordained, that *Senators* being found to have uſed unlawfull meanes, for the attaining of any office, ſhould ſuffer ten yeares exilement. And the commonalty offending in that point, ſhould be puniſhed with an heavier puniſhment then the law made by *Calpurnius* laid on them. An addition unto this was, that if any being cited to his anſwer in the Court of their undirect meanes, *Si morbum excuſaret*, that is, If he did urge his ſickneſſe for his not appearance, then ſhould he undergoe a penalty.

Si morbum excuſaret.] So that *Tully* here ſeemeth to cut off that liberty, which the twelve tables permitted in theſe words, *Si judex alterve ex litigatoribus, morbo ſontico impediatur, judicii dies diffiſus eſto.*] that is, If either Judge, Plaintiff, or Defendant were ſick, they ſhould *diffindere diem, id eſt,* [d] *proferre & in aliud tempus rejicere*, prorogue the time of judgement. And unleſſe ſome might think, that by *morbus ſonticus* was meant ſome ſtrange diſeaſe, *Sigonius* inferreth, that every diſeaſe is tearmed *Sontius*, which hindreth us in the performance of our buſineſſe: *Sontes enim nocentes dicunt.*

d Sig. de jud. lib. 1. c. 28.

Lex de Sodalitiis.

Cic pro Plancio. *M. Licinius Craſſus* being *Conſul* perſwaded, *ut in Sodalitiis judices, ab accuſatore ex tribubus ederentur.*

Sodalitia.]

Solodatia.] In the latter times the *Romans* in their canvasses, would gather together a certain company of their side or faction to follow them, terming them *Sodales*, and these *Sodales* would, as it were, by violence, force the people to suffrage with them, whence the violence offered by them was termed *Sodalitia*, *Sig. de Jud. lib. 2. cap. 30.*

Judices ab accusatore ederentur ex tribubus.] We may read of three sorts of Judges among the *Romans*, or rather of three divers kindes of elections of their Judges. For either they were, *Lecti sortitione*, of which more may be seene in one of the lawes following; or *Editione*, by nomination, or naming them, the manner thereof being thus; That either the Plaintiffe should choose them all, and then were they called *Judices edititii*, or the Plaintiffe should choose one halfe, and the Defendant the other, and then were they called *Judices alterni*. *Melanchon in Cic. pro Muræn.*

Cap. 20.

De pecuniis repetundis.

FIrst touching the word *Repetundæ*, *Sigonius* saith that such money was tearmed *Pecuniæ repetundæ quæ possent repeti*, which might by the course of law be recovered. Namely such mony as any magistrate, Judge, or publike officer, did either in the Provinces, or in the City receive as a bribe from the Allies and Associats, or from the *Roman* citizens for the administration of Justice, or the execution of any publike duty: and this kinde of bribe they termed *Pecunias repetundas*, *pecuniam ablatam*, *captam*, *coactam*, *conciliatam*, *aversam* (*Cic. in Vrnis*) But as it seemeth very probable these lawes against bribery, were first occasioned, for the ease and relieſe of the *Roman* Provinces and Allies, called in Latine *Socii*, who were much abused in this kind by the Prov. *Consuls*, *Prætors*, and *Quæstors*, &c. Whence *Tul-*

ly called this law againſt bribery, *Legem Socialem.* Here alſo may we note, that [d] *Tully* uſeth this phraſe, *Pecuniam occupare*, for *Fœnerari*, to put money to uſe. *Occupare pecuniam eſt collocare, inquit Nonius, id eſt, Fœnori dare. Vid. Lambin. annot. in Cic. orat. pro L. Flacco.*

[d] Cic. in orat. pro L. Flacco.

Junia Lex.

M. Junius Pennus Trib. Pl. preferred a law, that no ſuch as were convinced of bribery, *Præter litis æſtimationem exilium etiam damnato eſſet irrogatum.*

Litis æſtimationem.] Here we will conſider the difference of theſe three phraſes, *Litis conteſtatio, Litis redemptio, & Litis æſtimatio.* [e] The firſt ſignifieth the producing of witneſſes when both ſides ſhall openly in the Court uſe the forme of words, *Teſtes eſtote*: which was not done, *antequam ſatiſdationes factæ eſſent*, before ſureties were put in, by the one, that he ſhould *Judicatum ſolvere*, pay that which he was condemned; by the other, that he would *rem ratam habere*, that is, ſtand to the verdict or ſentence in the Court. The ſecond phraſe ſignifieth a compoſition, or an argument agreed upon by both ſides between themſelves: [f] *Redimere lites eſt pactionem facere, qui enim paciſcitur, facit ut lis non ſit.* The third is, when the party which is caſt in the ſuit is adjudged to pay the mony, or the worth of the goods called in queſtion, together with the coſt and dammages in law unto his adverſary. [g] *Litem æſtimare eſt pecuniam, & qualis fuit, & propter quam condemnatus eſt reus, in ſummam redigere, quæ de bonis ejus redigatur.* [h] And *Æſtimare litem eſt, quod vulgò dicitur, Taxare litis expenſas.*

[e] Sig. de jud. lib. 1. cap. 27.

[f] Orat. pro Q. Roſcio.

[g] Fr. Sylv. in orat. pro Cluentio.

[h] I. Tiffin. in orat. pro Rabirio.

Acilia lex.

M. Acilius Glabrio made a law, that ſuch as were accuſed of bribery, *Neq; ampliari, neq; comperendinari poſſent*, that is, they muſt out of hand receive judgement.

For the right underſtanding of theſe two words [*Ampliari, & comperendinari*] we muſt conſider the ancient cuſtomes and ceremonies uſed by the *Romans* in handling their ſuits of

of law. First there was *In jus vocatio*, that is, a citation of one into the Court. Secondly, *poſtulatio*, that is, a requeſt put up unto the *Prætor*, that it might be lawfull for the plaintiffe to enter his actiō againſt the Defendant; whence *Poſtulare aliquem de hoc vel illo crimine*, is to accuſe one of this or that crime. Thirdly, *Nominis delatio*, that is, the taking of the Defendants name into the Court-book: and this was termed, *Intendere actionem, vel litem*; and *Diem alicui dicere*, that is, to enter an action againſt one. In the ſecond of theſe Acts, namely, when requeſt was made by the plaintiffe unto the *Prætor*, that he might enter his action againſt the Defendant, then the plaintiffe did *Vadari reum*, that is, demand ſureties or baile from the defendant, that he would appeare upon the day appointed by the *Prætor*: And the plaintiffe did againe, *Promittere Vadimonium*, enter bond alſo for his own appearance upon the ſame day, which commonly was the third day following, called properly *Dies perendinus*, and ſometimes *dies tertius* ſimply, as it appeareth by thoſe capitall letters. I. D. T. S. P. uſed to be written in their actions: which letters [i] *Probus* expoundeth thus: *In diem tertium, ſive perendinum.* So that then properly, *lis vel reus dicitur comperendinari*, when the giving of ſentence is deferred till the third day. Moreover, before the *Prætor* would ſuffer the action to be entred, he would ſwear the plaintiffe, that he did not accuſe the defendant *calumniandi cauſâ*, that is, falſely or maliciouſly, and this kinde of ſwearing was termed *Calumniam jurare, calumniam dejurare*, and *In litem jurare*. Now if either party were abſent from the court upon the third day, except he were ſick, he was caſt in his ſuit, and the *Prætor* did grant an execution, called *Edictum peremptorium*; whereby he gave authority to his adverſary to ſeize upon his goods. Sometimes there were two or three edicts in manner of Proſes or writs, before the *Edictum peremptorium* could be obtained; ſometimes it was granted at the firſt, and then was it [k] called *unum pro omnibus*

[i] Sig. de jud. lib. 1 cap. 27.

[k] Sig. ejuſd. l. cap. 28.

[1] Sig. ejusd. l. cap. 21.

bus, [1] Now if both parties came into the Court and did appeare, then were they said *seſtitiſſe*: ſo that this word *ſiſto* amongſt the lawyers did ſignifie to ſhew ones ſelfe in the Court. Upon the third day the *Prætor* alſo with the whole bench of Judges did meet, and the *Judex Queſtionis* (whom *Roſinus* maketh a diſtinct officer differing from the *Prætor*) did cauſe all the *Select* Judges to pull out certain lots, out of an urne or pitcher brought thither for that purpoſe, and thoſe Judges upon whom the lot fell, were to ſit in judgement: This was called *Sortitio Judicum*. Now if either the Plaintiffe or Defendant did ſuſpect any of thoſe, that they would be partiall, then might he except againſt them, and that was called *Judicum rejectio*: then the *Judex quæſtionis* would in manner aforeſaid chooſe other Judges in their places, and that was called *ſubſortitio*. Which being ended, thoſe Judges which were thus choſen, received every one of thē from the *Prætor* three tables, the one having this letter *A* writtē in it, betokening *Abſolution*: whence *Tully* calleth it *literam ſalutarem*: the other having this letter *C* written in it, betokening *Condemnation*: the third having theſe two letters *N.L.* betokening *Non liquet*. After the receipt of the tables, then did the *Prætor mittere vel dimittere judices in conſilium*, that is, ſent them tō caſt their tables into the urnes, there being three urnes or little coffers purpoſely provided; the one for thoſe Judges which were choſen out of the *Senators*, the other for thoſe that were choſen out of the Gentlemen, the third for thoſe which were choſen out of the *Martiall* Treaſurers. Now if they did caſt the firſt ſort of tables into the urnes, then the *Prætor* pronounced the defendant abſolved; if the ſecond, then he pronounced him condemned; if the third, then he pronounced *Amplius cognoſcendum*, that they muſt have longer time to enquire: And this is properly tearmed *Ampliatio*, a Reprive, & in ſuch manner it is ſaid, *quod lis vel reus dicitur ampliari*. The prooſes for this manner of proceeding in law, may be collected out of *Roſinus lib. antiq. 9.*

cap.

cap. 19,20. & 24. and out of *Sigonius* according to the marginall quotations. The like cuſtome ſeemeth to have beene received alſo among the Gracians, who had three letters of their alphabet, anſwerable to thoſe among the *Romans*; Θ was *damnationis ſymbolum*, which occaſioned that of *Perſius*,

Et potis es nigrum vitio præfigere Theta.

T. a token of abſolution, *A.* of ampliation. *Vid. Eraſm. Adag.* Θ *præfigere.* Some as it appeareth by *Eraſm.* give a reaſon of Θ, becauſe it reſembleth the heart of man, wounded in the middeſt with a dart, others, becauſe it is the firſt letter of θάνατος, ſignifying death according to that.

Infœlix multis theta eſt mihi litera fœlix.
Si θάνατον *ſcribit ſcribit & illa* Θ.

Cornelius Siba being *Dictator* ordained a law, that the chief Judge, called *Judex quæſtionis*, with the whole bench of Judges ſhould ſit upon life and death, on ſuch as had killed a man; on ſuch as had with an evill intent ſet any place on fire; on ſuch as ſhould walke with any weapons, either to kill or rob a man; on ſuch as had either made, bought, ſold, had, or given any poyſon, thereby to kill a man, or any magiſtrate; whoſoever ſhould cauſe any conventicle or ſecret aſſemblies, or ſhould give their conſent to the ſuborning of any man, to accuſe another falſely, that thereby he being innocent, might be oppreſſed and condemned by publique judgement. Moreover *De ejus capite quærito, &c.* that is, Let them ſit upon life and death on that man, which ſhall beare falſe witneſſe, that another might be condemned to death; on that magiſtrate or chiefe judge, which ſhall take a bribe to condemne another to death. Cic. pro Cluent.

Parricidium.] This word doth properly ſignifie onely a murthering of ones parents or kinsfolk, but in *Numa Pompilius* his time, it ſignified as much as *homicidium*, that is, any man-ſlaughter whatſoever.

CAP.

Cap. 21.

Lex 12. *tabularum de vindiciis.*

Si qui in jure manum conſerunt, utrig, ſuperſtitibus præſentibus vindicias ſumunto.

Si qui in jure.] Here we muſt note that the cuſtome among the *Romans* in old time was, that as often as any controverſie did ariſe touching the poſſeſſion of an houſe, a field, or any ſuch like thing, the *Prætor* did go unto the houſe, field, or the thing queſtioned, being accompanied thither with the plaintiffe and the defendant, together with others whom the law required to be preſent as witneſſes. This place, whereſoever it were, though in the open field, during the time that the *Prætor* ſate there to give judgement, was termed in Latine *Jus*, in Engliſh a **Court**. Where in the preſence of the *Prætor* and the witneſſe, the Plaintiffe and Defendant, did *manum conſerere*, that is, as[m] *Camerarius* ſuppoſeth, argue and diſpute the caſe *pro* and *con* in a ſolemne forme of words preſcribed them by the law. For this phraſe is borrowed by the Lawyers from the art military, where ſouldiers are ſaid *manum vel manu conſerere*, when they fight hand to hand, [*Utrig, ſuperſtitibus præſentibus*] that is, let both parties in the preſence of witneſſe (ſo [n] *Feſtus* expoundeth *ſuperſtites*) [*Vindicias ſumunto*] that is, let them take a turfe of the ground: for ſo[o] *Sigonius* expoundeth *Vindiciæ*; though properly (as he obſerveth) it ſiginfied the poſſeſſion of a thing, rather then the thing poſſeſſed. This turf being taken up, was carried to the *Prætor*, and judgement was given upon that, as upon the whole. I doe preſume that in other caſes, as in taking the poſſeſſion of an houſe, &c. ſome other thing in manner of the turfe was preſented unto the *Prætor*, upon which, as upon the whole he gave judgement. In proceſſe of time, the *Prætor* by reaſon of the tumult of other imployments, not finding convenient leaſure to review every particular

m I. Camerar. pro L. Muræn.

n Roſin. ant. lib. 8. c. 29.

o Sig de jud. lib. 1. c. 21. *Vindiciam ferre eſt ſententiâ decreto; rem obtinere dicebat. Vindicias judex ferebat, Vindicias qui rem obtinebat. Turneb. adv. l.* 13. 27.

cular ground, or houſe called in queſtion, [p] it was ordained contrary to the twelve tables, that the plaintiffe in ſuch caſes ſhould come into the court, and challenge the defendant in this forme of words, *Ex jure manu conſertum te voco*, that is, I challenge thee to go out of the court into the field, to uſe one towards the other that ſolemn form of words which the law injoyneth. Then did the defendant either yeeld the poſſeſſion of the ground, or elſe did reply, *Unde tu me ex jure manu conſertum vocâſti, inde ibi ego te revoco.* Then did they both taking witneſſes with them, without the company of the *Prætor*, *inire viam*, that is, go into the ground, bringing back a turfe thereof, upon the which (as in manner ſhewn) the *Prætor* gave judgement at their return.

[p] A. Gel. noct. Attic. l. 20. c. 10.

For the better underſtanding of this that hath been ſpoken in the explanation of this law, we muſt note, that the action termed *Vindicatio*, was twofold: either the ſuit for the poſſeſſion of a thing, or the ſuit for the Lordſhip, or right owning thereof. The poſſeſſion of any thing was recovered, either by a true and reall violence, or by a ſeeming violence: This ſeeming violence was twofold, either it was *manu conſertio*, which was ſhewn immediatly before; or *Moribus deductio*, that is, a cuſtomary leading the unlawfull *poſſeſſour* out of the ground, thereby to enter poſſeſſion. *Vis ſimulata, altera à lege, altera emanavit à moribus*; ſaith [q] *Sigon.* The firſt of theſe did ariſe from the *Roman* law, the other from a cuſtome among the *Romans*: the firſt of theſe is to be ſeen in *Tully* his oration *pro Murena*, the other *pro Cœcinnâ*: To theſe *Sigonius* addeth a third kinde of ſeeming violence; which how juſtly he hath termed a violence, I ſhall leave to the indifferent judgement of the unpartiall reader. The right of the Lordſhip, or owning any thing, was ſued for in this manner: the plaintiffe did queſtion with the defendant thus; firſt, *An auctor eſſet?* that is, whether he had not covertly made away the poſſeſſion of the thing, thereby to fruſtrate the action. Secondly, *An ſponderet*, that is, whether he would

[q] De ind. lib. 1. cap. 21.

put in a gage of mony into the court, which he would forfeit if he were caſt, which being done, the plaintiffe did alſo upon the demand of the defendant put in a gage of mony to be forfeited if he prevailed not in his ſuit. This gage of mony was termed [r] *ſacramentum*; and in this ſenſe, *Tully pro Milone*, ſaith, *Injuſtis vindiciis & ſacramentis alienos fundos petunt*, that is, they ſue for other mens grounds, with unjuſt actions and gages of mony. Thirdly, *An ſatis daret*, that is, whether he would put in ſurety, that during the triall in law, the ground or houſe called in queſtion ſhould not be impaired? The ſolemne form of words uſed in the firſt demand, is thus to be ſeen in [ſ] *Tully*, *Quando in jure te conſpicio, poſtulo anne ſies auctor?* If the defendant held his peace, then was he adjudged to pay all coſt and damage; if he profeſſed himſelfe the preſent *poſſeſſor*, then did the plaintiff proceed in māner as he ſhould for the poſſeſſion thereof; if he denied it, then did the *Prætor* ſay unto the plaintiffe, *Quando negat, ſacramento quærito:* Thereupon ſaith the plaintiffe to the defendant, *Quando negas, te ſacramento quinquagenario provoco: ſpondes me te ſoluturum quinquaginta aſſes, ſi auctor ſis?* To whom the defendant replyed, *ſpondeo quinquaginta aſſes, ſi auctor ſim: Tu vero ſpondeſne idem, ni ſim?* The Plaintiffe anſwered, *Ego quoq; ſpondeo.* Now in this kinde of ſtipulation, the plaintiffe was ſaid *ſponſione & ſacramento provocare, ſacramento rogare, quærere, & ſtipulari*, that is, to challenge one to pawne a ſumme of money for the triall of a ſuit in law. The defendant was ſaid, *cõtendere ex provocatione, contendere ſacramento, & reſtipulari*, that is, to be ſued in ſuch manner. This money was termed *ſacramentum*, [t] becauſe when it was forfeited it was beſtowed *in rebus ſacris & divinis.* Touching the laſt interrogatory, I read no ſet forme of words, but by the word *ſatisdatio*, the intelligent reader may conject, that it did ſomewhat ſymbolize with our Engliſh cuſtome of putting in baile. [u] This putting in of baile was twofold. The one was *ſatisdare judicatum ſolvi*, to bind himſelfe

to

r Sigon. de judic. l. 1. c. 21.

ſ Cic. orat. pro Muræna & pro Cœcin.

t Sig. de jud. l. 2. cap. 21.

u Sigon. de judic. l. 1. c. 27.

to pay what ſhould be adjudged. The ſecond was *ſatisdare rem ratam habere*, to become bound that he would ſtand to the verdict and judgement of the court. The firſt of theſe bonds was required to be performed by the defendant: the ſecond by the plaintiffe's Proctour or Aturney. But if the Action were an action of debt, then the Proctours alone became bound; the plaintiffes Proctour, that he would ſtand to the judgement; the defendants Proctour, that the debt adjudged ſhould be paid.

LIB. 4.

Rites and Cuſtomes obſerved by the Romans *in their warres.*

De Militia.

TOuching the art *Military* uſed among the *Romans*, it will not be impertinent to conſider firſt how war was proclamed, and peace eſtabliſhed by them; then to march on to the deſcription of their bands, or companies, where we may firſt obſerve the office of their chief Captaine, and their ſubordinate leaders, together with the ſeverall Wards, into which the univerſall army was divided. After this we may deſcend unto the diverſitie of puniſhments uſed toward Captives, & likewiſe towards refractorious and diſobedient ſouldiers: Adding as *a Corollary* or *Period* to our whole Diſcourſe the ſeverall rewards, which the L. Generall with his ſouldiers after the performance of certain noble atchievements received.

CAP. I.

CAP. I.

De ritu, quem Romani obſervârunt vel fœdus furientes, vel bellum inferentes: & de triplici ratione conſcribendi milites.

WEE may remember that it hath been already ſhewn, that both the proclaming of warre and peace belonged unto a certain order of *Roman* Prieſts, called *Fœciales*, who by reaſon of their office, I Engliſhed Heraulds at armes. The rites and ceremonies, which they uſed, when they proclamed peace, were as followeth: *viz.* One of thoſe Heraulds having his commiſſion from the State (after that both ſides had agreed upon the truce and league now to be concluded) took up a ſtone in his hand,[a] uſing this ſolemne forme of words: *Si rectè & ſine dolo malo hoc fœdus atq; hoc jusjurandum facio, dii mihi cuncta felicia præſtent, ſin aliter aut ago aut cogito (cæteris omnibus ſalvis) in propriis patriis, in propriis legibus, in propriis laribus, in propriis templis, in propriis ſepulchris ſolus ego peream, ut hic lapis è manibus decidet*, and therewithall he caſt the ſtone out of his hand: which manner of oath was termed *Jurare Jovem lapidem*, or *per Jovem lapidem*, that is, as it hath been rendred by *Feſtus*, to ſweare by *Jupiter*, holding a ſtone in ones hand. [b] Many ſay that he did caſt that ſtone at an hogge or porker brought thither purpoſely, adding theſe words to the former; *Si prior populus Romanus defexit publico conſilio, tum ille Dieſpiter, populum Rom. ſic ferito, ut ego hunc porcum hodiè feriam*: alluding to which cuſtome *Virgil* ſaith,

Et cæsâ jungebant fœdera porcâ.

[a] Polyb. vid. Roſin. antiq. lib. 10. cap. 2.

[b] Sig. de jure Ital. 1. cap 1.

The manner of denouncing warre hath been already ſhewn. The act of ſervice in warre was termed *Mereri ſub hoc vel illo duce*, that is, to ſerve in warre under this or that Captain; and whatſoever ſouldier was diſcharged of his ſer-

vice, as having ſerved out his whole time, he was called *miles emeritus*, & by [c] *Tully*, ſuch a one is ſaid *ſtipendia confeciſſe*. [d] *Servius* hath obſerved that the *Roman* ſouldiers were preſſed three manner of waies: *per Sacramentum, Conjurationem, & Evocationem*. But [e] *Lipſius* cenſureth him for the amiſſe explanation of the laſt member. Therefore the indifferent reader ſhall give me leave to borrow the termes from *Servius*; but the explanation of them partly from *Servius* & partly from *Lipſius* in the places now quoted. Ordinarily ſouldiers at their preſſe did each ſeverally take their oath not to forſake their Captain or country; and this oath was called *Sacramentum militare*; the words thereof are rendred by [f] *Polybius* thus: *Obtemperaturus ſum, & facturus quicquid mandabitur ab imperatoribus juxta vires*; & thoſe were termed *Milites per ſacramentum*. [g] This ſort of ſouldiers were upon appointed dayes, as it were of publique Muſter, elected and choſen by the military *Tribunes* under the *Conſuls*: the aſſignement of the day did chiefly belong unto the *Conſuls*, at which time if any ſouldier withdrew himſelfe, and did not appeare, he was ſeverely puniſhed, ſometimes by impriſonment, ſometimes by confiſcation of his goods, ſometimes by being ſold for a bondſlave. Upon extraordinary occaſions (as when tumults or commotions did cauſe any ſuſpition of imminent danger) the chiefe leader of the ſouldiers did go unto the Capitoll, and bring forth two banners or flags, the one red, called therefore *Vexillum Roſeum*, unto which the footmen repaired; the other sky-coloured, called therefore *Caruleum*, which the horſmen followed, The reaſon why the horſemens banner was sky-coloured, is rendred thus, becauſe it did moſt reſemble the colour of the ſea, which colour they deemed moſt acceptable to *Neptune*, who was both the God of the ſea, and the firſt authour of horſes, Now becauſe the ſuddaine danger would not yeeld ſo much time that they might ſeverally be ſworne, therefore did they take their oath in common altogether, only one chiefe ſouldier throughout

[c] Orat. pro lege Manil.
[d] Serv. l. 2. & 7. Aneid.
[e] Lipſ. de milit Rom. lib. 1. dial. 8.
[f] Vid. Lipſ. de milit. Rom l. 1. dial. 6.
[g] Lipſ. de mil. Rom l. 1. dial. 4.

throughout a whole legion, took his oath at large and in expreſſe words, [i] the reſt followed in order one by one, ſaying καθάπερ ὁ ἡγούμενος, that is, that he ſwore the ſame as the firſt. If the *Tribune* diſtruſted his ſouldiers fidelity, then would he ſwear them every one ſeverally in termes at large, and thence were they called *Milites per conjurationem*; as likewiſe *Milites ſubitarii* in reſpect of their ſuddain preſſe: The third member may alſo be admitted, if we with * *Lipſius* underſtand it in its true ſenſe, namely for thoſe ſouldiers, who by the L. Generall were added unto the body of their army, he having authority to call out ſuch other ſouldiers, who for their long ſervice were diſcharged from giving in their names at a muſter: And theſe are generally by all authors termed *Milites evocati*, and *Lipſius* deemeth them all one with thoſe whom *Servius* calleth *Milites per evocationem*. The ſouldiers being thus preſſed, if they purpoſed to make war upon their enemies, then did the L. Generall ſummon them to prepare themſelves by a ſound of Trumpets; & this was tearmed *Claſſicum cane, a calando*, which ſignifieth to call. Which being done, a skarlet baner was hanged out at the L. Generall his pavilion, from which ceremony I think that that common adage did firſt ariſe, *Conferre ſigna, & Collatis ſignis pugnare*, to joyn battle. Immediatly upon this they did *Garritum tollere*, make a great ſhout or noyſe with their voices, to the greater teror of their enemies: & that the noyſe might be the greater, they did *Arma concutere*, ruſtle together with their armour, and elaſh their ſwords. Theſe foure ceremonies are to be ſeen more at large in [k] *Lipſius*. Unto which we may adde the fift obſerved by [l] *Fr. Sylvius*; namely that at the removing of their campe they did *conclamare vaſa*, give a great ſhout or cry, in token that the ſouldiers ſhould truſſe up their bagge and baggage: and hence it is that [m] *Plautus* uſeth this phraſe, *colligatis vaſis*, to ſignify as much as *paratè* or *expeditè*. Now that they might be the readier for battle, they did gird (as I ſuppoſe) their ſouldiers coats cloſe unto

[i] Liſp. de mil. lib. 1. dial. 6.

* Lipſ. de mil. Rom. lib. 1. dial. 8.

[k] Lib. 4. de milit. Rom. dial. 11. & 12.

[l] In ep. viror. illuſt. l. 4. ep. 1.

[m] Plaut. in Pſeudolo.

unto them; and a souldier thus girt, was called *Cinctutus*, that is, (saith [a] *Pighius*) *Cinctu tutus.* [b] *Inde discinctos ignavos, & militiæ minimè aptos putârunt, Præcinctos verò fortes, & strenuos.* Hence also is that proverbiall speech, *In præcinctu stare* or *Vivere*, to be in a readinesse continually.

Non pudet ad morem discincti vivere Natta. Pers. Sat. 3.

[a] Pigh. in suâ præf. ad lib. 1. Septim.

[b] Alex. Gen. dier. l. 1. c. 20.

Cap. 2.

De Legione. Auxiliis, & Legionis partibus.

THE *Roman* forces were in old time divided into two severall parts; namely, *in Legiones & Auxilia*, into Legions and Auxiliary bands. The Auxiliary bands were such as the neighbour and confederate countries did send unto the *Romans*. The Legions were taken out of the body of the *Romans*, [p] *Legio à deligendo dicta est*, from the choise and selecting of souldiers. [q] *Romulus* is said to have been the first author of these Legions, making every Legion to containe three thousand footmen, and three hundred horsemen, [r] one thousand footmen and one hundred horsemen being taken out of each nationall Tribe. Afterward it was augmented by *Romulus* himself into four thousand footmen, [s] whence it was called *Quadrata legio*. And in processe of time a legion increased unto the number of six thousand: which number it seldome or never exceeded (as it appeareth by *Sigon.* in the place now quoted.) Now [t] none could be ordinarily registred for a souldier untill the seventeenth yeare of his age, [u] at which his first admission he was termed *Tyro*, a fresh-water souldier: and hence figuratively *Tyrocinium* hath not been translated only the first entrance into warre, but also the initiation, or first entrance into any art or science whatsoever. After he had served many yeares, then was he termed *Veteranus*, an old beaten souldier. [x] The *Roman* legion was divided *In pedites & equites*, there being

[p] Plutarch. in Romulo.

[q] Rosin ant. lib. 10. cap 4.

[r] Sig. de jure Rom. l. 1. c. 15.

[s] Sigon. ib.

[t] Alex. Gen. dier. l. 1. c. 20.

[u] Pancirol. l. rerum deperdit. cap. de habit & vest. veter.

[x] Sig. de jure Rom. l. 1. c. 15.

being commonly for every thouſand footmen an hundred horſemen. *Pedites diſtributi erant in Cohortes; Cohortes in Manipulos; Manipuli in Centurias: Equites diſtributi erant in Turmas, Turma in Decurias.* The word *Cohors* doth ſignify that part of ground, which is commonly incloſed before the gate of an houſe, [y] which from the ſame word wee call a Court: & [z] *Varro* giveth this reaſon of the *Metaphor.* As in a farm houſe (ſaith he) many out-buildings joyned together make one incloſure; ſo *Cohors* conſiſteth of ſeverall maniples joyned together in one body. It is manifeſt (ſaith [a] *Alexan.*) that the *Romans* in ancient time did very ſeldome, yea never (except in great neceſſity) inroll into their univerſall army above four legions: and in an ordinary legion, which he termed *Legionem juſtam*, ten *Cohortes*; every *Cohors* containing 3 maniples, every maniple two Centuries, every Century an hundred ſouldiers, whence they from *Centum* were called *Centuria*, a century. [b] Theſe Centuries were ſometimes divided into leſſer numbers called *Contubernia*; every *Contubernium* containing ten ſouldiers beſides their Captain, [c] which was called *Decanus*, and *caput contubernii.* Where we muſt obſerve, that *Contubernium* doth ſignifie as well the pavilion or lodging it ſelf, as the ſouldiers lodging therein, & it may be ſo called *quaſi contubernium* from *Taberna* ſignifying any ſlight lodging made of boards. Thoſe that ruled over a thouſand footmen we may in Engliſh call Deriants-maior: They called them *Tribuni militum.* Thoſe that governed over the Centuries were called by them *Centuriones*, by us in Engliſh Centurions, & they had their inferiour officers under them which were called *Tergiductores*, or *Extremi agminis ductores.* [d] Their office was to overſee and looke unto thoſe of the camp which were ſick, who commonly came behinde the army, *quaſi extremum agmen, & tergum aciei.* The horſemen were divided into ſeveral troops, called *Turmæ*; every *Turma* containing thirty horſemen. Again every *Turma* was ſubdivided into three leſſe companies called *Decuriæ*; every

[y] Edmunds in his obſerv. upon Cæſars Comment. lib. 2. c. 3.
[z] Varro lib. 3. de re ruſtica.
[a] Alex. Gen. dier. l. 1.
[b] Varro vid. Roſin. ant. Rom. l. 10 c. 5.
[c] Roſin. ibid.
[d] Veger. vid. Roſin. ant. Rom. l. 10. c. 7.

Decuria containing ten horſemen: whence their captain was called *Decurio*, and the captaines over the greater troopes, namely over the ſeveral wings of the horſemen, were called *Equitum præfecti*. Now the chiefe governour over the univerſal army was called commonly *Imperator*; we in Engliſh call him a L. Generall. His Lieutenant or L. deputy was called *Legatus*; who in old time was ſent *non tam ad imperandum, quam ad conſulendum Imperatori*. This word *Imperator* in the Romane hiſtories hath a threefold acception: firſt it is taken for him, who by commiſſion from the ſtate hath the managing of an army, being the ſame that *Prætor* was in ancient time; and in this ſenſe it hath affinity with the office of our L. Generall. Secondly, for ſuch a L. Generall, who by his proweſſe having put one thouſand of his enemies to the ſword, was both by his ſouldiers ſaluted and the Senate ſtyled, by the name of *Imperator*. But if he had ſlaine leſſe then one thouſand, he was not thought worthy of this ſolemn ſalutation by that name. Laſtly, it was taken for a ſoveraign Prince, King, or Monarch, in which ſenſe it was the *Prænomen* of all the *Romane* Emperours, from *Julius Ceſar* forward. Now becauſe the ſouldiers in a legion muſt of neceſſity differ much in eſtate, age and experience, ſome being wealthier, elder & of more experience then others, hence was it requiſite alſo, that there ſhould be a diſtinction of places in their armies, according to the deſert and worth of each ſeverall perſon. We are therefore likewiſe to underſtand that the *Conſuls* every yeare made a generall muſter: at which time the military Tribunes choſe out the youngeſt and pooreſt of all the reſt, and called them by the name of *Velites*. Their place in regard of other ſouldiers was baſe and diſhonourable, not only becauſe they fought a far off & were lightly armed; but alſo becauſe they were commonly expoſed to their enemies, as forlorne hopes. According to *Lipſius* theſe *Velites* were commonly placed either *In Fronte, Vire*, or *Cornibus*. 1. In the front of the army, Secondly, in the diſtances

e Lipſ. de mil. Rom. lib. 2. dial. 10.

f Barth. Latom in Phil. orat. 14.

g Lipſ de mil. Rom. l. 1 di 3.

b Lipſ. de mil. Rom. lib. 4. dial. 3.

ſtances, or ſpaces between the ſeverall maniples. 3ly, In *Cornibus*, that is, in the wings of the battle: not that the wings at any time conſiſted of thoſe *Velites*, for that was the *Socii* and Auxiliary forces; but either the ſpaces in the wings were filled up by thoſe *Velites*, or elſe they might obtaine a promiſcuous place amongſt thoſe forrainers. Notwithſtanding they did like ſcouts run to and fro caſting out their darts (as occaſion was offered) and ſo retire: whence when a man doth leap from one thing to another in his talke, we ſay he doth *Agere velitatim*. Having choſen out a competent number of theſe ſcouts they proceeded to the choiſe of them, which they called *Haſtati*, that is, Pikemen: foraſmuch as they fought with a kind of javeling, which the Romans called *Haſta*. Theſe Pike-men fought in the firſt part or fore-front of the main army. The third choiſe which they made, was of the ſtrongeſt and higheſt bodied men, who for the prime of their age were called *Principes*: and hence was the ſecond place or ward in the main army called *Principia*, according to *Thraſo* his ſpeech, *Ego ero poſt principia*, that is, I will follow the *Principes*; thereby chooſing to himſelfe the beſt, and ſafeſt place. The laſt ſort of ſouldiers, which ſtood in the third place or ward, were called *Triarii*. They were of all the moſt appoved, and tho very laſt help or refuge; ſo that if they ſailed, all was loſt: and hence ariſeth that forme of ſpeech, *Ad Triarios ventum eſt*, [k] whereby we ſignifie that a thing is come to the laſt puſh. As I ſuppoſe, the weapon wherwith theſe *Triarii* fought, was a dart with iron faſtned at the end of it, called in Latin *Pilum*. The reaſons of this my conjecture are theſe: firſt becauſe the firſt Century of theſe *Triarii* was called *Primum pilum*, & their Centurion *primopilus*, and *primipilus*, & *Primus centurio*, becauſe he was the chiefe Centurion in a whole legion, as having the charge of the chiefe banner called the Eagle; [l] whence *Aquila* is ſometimes uſed to ſignify *Primo pilatum*, the office & place of the *Primopilus*. The ſecond Century was called *Secundum*

i Terent. Eun. Act 4. Scen. 7.

k Alex Gen. dier. l. 5. c. 15.

l Lipſ. de mil. Rom. lib. 2. dial. 1.

pilum, and their Centurion *Secundi pilus*, &c. Secondly, they called the *Principes*, which marched in the battle immediatly before theſe *Triarii*, *Antepilanos*: which argueth that thoſe ſouldiers which followed next, ſhould be the *Milites pilanos*, & by conſequence their weapon ſhould be that kind of dart which they called *pilum*. Their manner of embattleing was divers. Sometimes they would make a winged army ſo that the main body thereof ſhould be in the midſe, and on each ſide a leſſer company: The maine body we in Engliſh call the Vauntgard, and the two leſſer companies we call Wings; as likewiſe in Latine they call them *Alas aciei*, and *dextrum vel ſiniſtrum eorum*. [m] *Pancirollus* calleth them *Vexillationes*, becauſe there fought no more in either wing then belonged to one banner, called in Latin *vexillum*. The governours of theſe wings he calleth *Alarum Prafectos*. Sometimes they embattled ſo that the forefront of the army being ſmall, it was enlarged bigger and bigger backward, in manner of a triangle: By [n] *Lipſius* it is demonſtrated unto us under the forme of the Greek letter Δ. He in the ſame place calleth it *caput porcinum, quia velut fodit, & ruit invadendo*. Commonly it is called *Cuneus militum*, the metaphor being borrowed not only from the reſemblãce it had with a wedg, but alſo from the uſe of a wedg: for they never embattled in that form, unleſſe it was to break through their enemies, the piercing angle being thick compacted with targets. Sometimes they did in a quite contrary manner, enlarge their army in the forefront, making it to end in an angle: and [o] this they called *forfex* & *forceps militum*. Sometimes their form of embattling was circular, & then was it called *Orbis, vel globus militum*. The banner or flag was properly called *Vexillũ*, being a diminitive of *Velum*. It was alſo called [p] *Bandum*: whence we do at this day call ſo many ſouldiers as do fight *ſub eodem bando*, a band of ſouldiers: as *Romulus* called thoſe that fought *ſub eodem manipulo fœni* (an handful of hay being uſed at that time inſtead of a flag) *Manipulum militum*, *Ovid*,

Percita

m. Pancir. in notit. orient. & occident. imper. c. 32.

n. Lipſ. milit Rom. lib 4. dial. 7.

o Lipſ. ibid.

p Feſtus vid. Panc. in not orient. & occident. imp. cap. 32.

Percita ſuſpenſos portabat longa maniplos,
Unde maniplaris nomina miles habet.

* *Suidas* is plain, Βάνδον καλοῦσι Ῥωμαῖοι τὸ σημεῖον τὸ ἐν πολέμῳ, that is, The *Romans* called their military enſigne a **Band**: hence other have uſed Βανδοφόρος, to ſignifie as much as *Signifer*, an **Ancient bearer.** * Suid. in voce Βάνδον.

CAP. 3.

De oppugnatione urbis, & iis quæ ad oppugnationem requiruntur.

IF the ſiege of a towne ſeemed difficult and hard to compaſſe, then did the Romans uſe certaine meanes of policy, for the better effecting thereof. They environed the town with a broad and deep ditch, adding thereunto a rampier, fortified with many caſtles and fortreſſes; whereby they both kept the town from any forraign ſuccour, & withall ſecured themſelves from ſallies, and other ſtratagems. This rampier did extend it ſelfe towards the wals of the city; ſo that by making (as it were) a great hill, they might overtop the city, and fight with the greater advantage. Now that this greater heap of earth might become firm, and well able to ſupport the buildings to be erected upon it, they did caſt in much timber, and ſtones among the earth; and this heap of earth, ſtones and timber whence it was reared, was properly called *Agger*, whence cometh both the Latine verb *Exaggerare*, and the Engliſh to **Exaggerate**, that is, to amplifie or encreaſe a matter. The ſtakes, poſts, and trees, which were rammed in about this bulwark, or rampier, to uphold the earth, were ſometimes called [q] *Cervi*, becauſe of their forked and ſharp tops, but more properly *Valli*, and *Valla*. The diſtance or ſpace between each ſtake, was called *Intervallum*; though now *Intervallum* doth ſignifie not only ſuch a diſtance, but any diſtance either of ſpace or time, as it appeareth

[q] Lipſ. Polior. lib. 2 dial. 2. [r] Serv. Æneid. l. 10.

reth by that of *Tully*, *Intervallo locorum, & temporum diſjunctí*. Sometimes *Vallus* doth ſignifie a pole or ſtake, whereunto vines are tied; according to that received adage, which we uſe when a ſpeciall friend forſaketh one, *Vallus vitem decepit*. From the firſt ſignification it is, that *Vallum* doth often ſignify the incloſure, or hedging in of trees & ſtakes, wherewith the bulwark is upheld: alluding whereunto *A. Gellius* tranſlateth, Ἕρκος ὀδόντων *Vallum dentium*. The means of their defence, whiles they were making this their rampire, was a certain engine or ordnance of warre made of planks and hurdles running upon wheels, under which they might reſt ſecure from all ſtones and darts caſt from the walls of the city: It was called *Vinea*. A ſecond engine was *Muſculus*. The matter whereof it was made I have not read: but the uſe of it was, that under it the ſouldiers might approach unto the walls of the city, and undermine them. Thus much *Lipſius* ſeemeth to infer, when he rendreth the reaſon of the name: *Muſculus ideo dictus, quia inſtar ejus animalculi foderunt ſub eo terram*. A third means of their defence was *Militaris teſtudo*. This word *Teſtudo* in the art Military had a double acception, both being borrowed from the reſemblance of the *Tortoiſe* ſhell, which is the true and genuine ſignification of this word. In the firſt acception *Teſtudo* doth ſignifie a warlike engin or fence made with boards covered over with raw hides, which ſerved againſt fire and ſtones caſt at the ſouldiers, under this they might ſafely aſſaile the wals. In the ſecond acception it ſignified a target-fence, which was a cloſe holding together of targets over head like a vault or roof, wherewith the foot-men did defend themſelves from the thick ſhot of arrows or ſlinging of ſtones. Their rampire or countermure, being finiſhed, they uſed certain great timber towers made upon wheels to runne too and fro, which they called *Turres ambulatoriæ*, moveable turrets. Theſe towers had many ſtories one over the other, wherein they carryed ladders and caſting bridges thereby to ſcale the wals.

(Cic. ep. fam. lib. 1. ep 7.

t A. Gel. Noc. Attic. l. 1. 15.

u Roſin. ant. Rom. lib. 10.

x Lipſ. Polior. lib. 1. dial. 9.

y Roſin. ant. R. l. 10. c. 16.

z Stad in Ilo. l. 4. c. 10.

a Roſin. ant. Rom. lib. 10. cap. 16.

wals. The engins hitherto have been defenſive, ſuch wherewith the *Romans* defended themſelves in their ſiege: others there were offenſive, wherewith they did aſſaile the city; and of thoſe the chiefe were *Baliſta ſive Catapula, Scorpius ſive Onager, Aries, & Mulleoli.* The firſt of theſe engines as it was called *Baliſta* ἀπὸ τοῦ βάλλειν, from darting or caſting forth any thing, [b] ſo was it in old time called *Catapula,* ἀπὸ τοῦ κατὰπέλτης which ſignifieth a ſhaft or dart; though it cannot be denied, but that *Pelta* doth alſo ſignifie a kinde of ſhield made in the forme of an halfe-moone, according to that of *Virgil Æn. lib.* 1.

[b] Lipſ. Polior. l. 2. dial. 2.

Ducit Amazonidum lunatis agmina peltis,
Pentheſilea furens ——

The forme thereof followeth, tranſlated word for word out of [c] *Marcellinus,* (Between two planks there is ſet in firme and faſt joyned a ſtrong and big iron, reaching out in length after the manner of a good great rule; out of the roumd body whereof, which is artificially wrought, there lyeth forth farther out a four ſquare beame, made hollow with a direct paſſage in manner of a narrow trough, tied faſt with many cords of ſinewes twiſted one within the other, and thereunto are joyned two wooden ſkrewes; neare unto one of which ſtandeth the cunning Baliſter, and ſubtilly putteth into the hollow paſſage of the beame a wooden ſhaft with a big head glewed faſt to it. This done, on both ſides two luſtie young men doe bend the engine by turning about certain wheeles. When the top of the head is drawn to the uttermoſt end of the cords, the ſhaft being carried forth of the Baliſta, by the inward force thereof, it flyeth out of ſight.) That the reader may receive the more light in the underſtāding of this obſcure deſcriptiō, I have added the very words of *Marcellinus.* [*Ferrum inter axiculos duos firmū compaginatur & vaſtum, in modum regulæ majoris extentum; cujus ex volumine teretis, quod in medio ars polita componit, quadratus eminet ſtylus extenſius rectō canalis angusti meatu cavatus, &*

[c] Alm. Marc. l. 23. cap. 3.

hac

hæc multiplici chorda nervorum tortilium illigatus, eiq́; cochlea duo lignea conjunguntur aptissimè, quarum prope unam adsistit artifex contemplabilis, & subtiliter adponit in temonis cavamine sagittam ligneam, spiculo majore conglutinatam, hocq́; facto hinc inde validi juvenes versant agiliter rotabilem flexum. Quum ad extremitatem nervorum acumen venerit summum, percita interna pulsu à balista ex oculis evolat. In respect of its use we may english it a Cross-bow: but it was much bigger, & of a different form. The *Scorpion*, which now they call *Onager*, is described by *Marcellinus* in the same place thus. Two oaken or elme beames were hewne out, and somewhat bended, so that they seem'd to bunch out in backs; & these in manner of a * saw engine are tied fast together being bored through with wide holes, through which (by the meanes of those holes) strong cords are tied, keeping in the whole frame that it start not asunder: * From between those bunches, another wooden beam reaching forth overthwart, & in a manner of a wain-beam erected up, is tied with such devises unto certaine ropes, that it may be pulled up higher, or let down lower at ones pleasure; and at the top thereof certain iron hooks are fastned, from which hookes there hanged down a certain sling either of iron or tow: under which erected beame there lyeth a great piece of haire-cloth, full of small chaffe, tied fast with cords, & placed upon a banke of turfes, or a heap of bricks: When therefore it cometh to the point of skirmish, a round stone being put into the sling, foure young men on one side loosing the beames, into which the ropes are incorporated, do draw back the erected beam unto the hook. Thus at length the master of the engin standing in some high place, giving a mighty stroke with a hammer (and as I suppose upon the cord, whereunto the erected beame was fastned with his hooke) setteth open the railes that containe the whole worke, insomuch that this erected beame being now at liberty with that quicke stroke, and hitting against the soft haire-cloath, it hurleth out the stone, that

* *Machinæ Serratoriæ.*

* Ab hac medietate testium) *Here we must note that this signification of testes is borrowed from the* Anatomists *which do call certain eminent parts behinde* φαλλιδοειδὲς Testes. Vid. Fuchs. instit. med. l. 1. Sec. 5.

that will batter whatſoever is in the way. And it is called *Tormentum quod ex eo omnis explicatio torquebatur.* It is alſo called *Scorpio*, becauſe when the long beame or tillar is erected it hath a ſharp top, in manner of a ſting. The moderne time hath impoſed unto it the name of *Onager*, that is, a wild Aſſe, becauſe that wild Aſſes, when they are courſed by hunters, fling back ſtones with their heeles afarre off, ſo that oftentimes they pierce the breaſts of them that follow them. The Latine word is made from the Greek ὄνος, that is, *Aſinus*, & ἀγρὸς, *rus vel ager*. Now if any aske me, why that ſackcloath, or aſhes was interpoſed, the reaſon is rendred by *Marcellinus*, in two lines, which I purpoſely did not tranſlate in their place, becauſe I would continue the ſence without ſuch a long *parentheſis*. The reaſon is there delivered thus; becauſe the violence and force of the erected beam recoiling, after it had been by the ſtroke diſcharged, was ſuch, that it would ſhake in pieces the ſtrõgeſt wals, except there were ſome ſoft thing interpoſed, whereby the forcible ſtrength of the recoile might be by degrees ſlaked. The *Aries*, or Ramme, is deſcribed alſo by *Marcellinus* in the ſame place. [The Ram was a great tree, or beam, *like unto a maſt of a ſhip*, having a piece of iron, in manner of a Rams head, faſtned at the end thereof, therewith they did demoliſh & batter down the wals of a City. It was hung unto a beam, which lay a croſſe over a couple of Pillars, and hanging thus equally ballanced, it was by force of men pulled backward, and then recoiled upon the walls.] The Rams which *Titus* uſed at the ſiege of *Hieruſalem*, ranne upon wheeles: which kinde of Rams are deſcribed by *Joſephus*. There be, ſaith he, other manner of engines, as an iron Ram upon four wheeles, bound with iron, and faſtned with iron nayles, to this they make foure feet anſwerable to the bigneſſe of the beam, and every beam hath his ſeverall wheele, & when they will batter the wall, certain men firſt pulling it back, they recoile it by the help of four wooden leavers put in the hin-

der part thereof for that purpose. The head of this Ramme hath no hornes, but is blunt, made of the strongst kinde of iron, with a wonderfull thick neck. They have also of both sides of the Ram a pentise of wood for the safegard of those that recoile it. *Josephus Ben. Gorion de bello Judaico.* In lieu of these Rammes another engine was found out, called *Helepolis, ab inusitato* ἕλω, that is, *capio*, and πόλις, that is, *civitas*: The form of it is to be seen also in *Marcel. ibid.* [There was (saith he) a *Testudo*, or vaulted frame made, strengthned with very long pieces of timber: it was covered over with Oxe hides, and green wicker hurdles, the upper part or convex surface thereof was overlaid with mud, to the end that it might keep off the fall of fire and casting of weapons. Now there were fastned in the front of it certain *Cuspides trisulcæ*, that is, iron pikes with three edges, very massie, in manner of the thunderbolts, which Painters, and Poets, exhibit unto us. This great engine the souldiers ruling within with divers wheeles and ropes, with main force they thrust it against the walls. [*Malleoli* (saith the same *Marcellinus*) were certaine darts, fashioned on this manner: there was an arrow made of a cane, betwixt the head and the neck whereof was fastned an iron full of clefts; which arrow, like unto a womans dish-staffe, on which linnen is spinned, was finely made hollow within the bellow, yet open in many places: In the belly it received fire, with fuell to feed upon; and thus being gently discharged out of a weake bow (for with an over strong shooting the fire was extinguished) if it took fast hold on any place, it burned the same; and water being cast thereon the fire increased, neither was there any means to quench it, but by casting dust on it.] Now if they could not prevaile by these engines, called *Machinæ*, then did they make certaine passages under ground, which they called *Cuniculi*, from *Cuniculus*, signifying a cony-berry: insomuch that these two phrases are opposite, *Machinis*, and *Cuniculis oppugnare*, as it appeareth by that of [d] *Plutarch*, *Cæsar non jam cuniculis, sed*

[d] Plutarch in vit. C. Cæs.

ſed machinis tollit rempublicam, that is, He doth not now covertly, but with open violence aſſault the common weale.

Cap. 4.

De Pœnis in Hoſtes devictos.

ALbeit, after the victory, the *Romans* inflicted divers degrees of puniſhment, according to the malice found in an enemy, yet were they alwaies compaſſionate, and (as hiſtories teſtifie) more exorable then any other nation. The puniſhments which we finde them to have uſed towards a conquered nation are theſe: Either they puniſhed them by death; or ſold them *ſub corona*; or diſmiſſed them *ſub jugum*; or merced them in taking away their territories; or made them tributary States. [e] An enemy was ſaid to be ſold *ſub corona*, when he being placed in the market-place, a crowne was put upon his head in token of ſuch a ſale: or therefore certaine captives were ſaid to be ſold *ſub corona*, becauſe at ſuch times they were environed about with ſouldiers, to keepe them together, and this circle of ſouldiers, as likewiſe all other companies, is called *Corona*. When they diſmiſſed any *ſub jugum*, [f] they erected two ſpeares, with a third lying a croſſe, in manner of a gallowes: then they cauſed them, being diſarmed, and their belt taken away, to paſſe under, in token of bondage. When their territories were taken from them, they were commonly conferred upon old beaten ſouldiers, in way of remuneration for their faithfull ſervice. This tranſplantation was termed *Coloniæ deductio*, and the place ever after *Romana colonia*, that is, a *Roman* Colony: At which times they choſe out every tenth man, *viz*: ſuch as were able, & of beſt ſufficiency to make & eſtabliſh a publique councell, [g] whom they named *Decurſones*. Whence we may obſerve, that *Decurio* is not alwaies taken for a Captaine over ten horſemen, but ſometimes it is uſed to

e A. Gel. 7. cap. 4.

f Stad in Flor. lib. 1. c. 12.

g Sig. de jur. Ital. l. 2. c. 4.

signifie an Alderman, or chiefe Burgesse in a *Roman* Colony. These Colonies were of two sorts, some called *Colonia Latinæ*; others *Italicæ*. The Latin Colonies had *Jus civitatis suffragii, & Magistratus capiendi si in sua Colonia magistratum gessissent. Italicis autem, jus civitatis & suffragii nullum erat, immunes tamen erant, nec tributum aut stipendium pendebant, ut provinciæ solebant. Turneb. adverſ. l. 1. c. 11.* Divers times the *Romans* would be content after the conquest to grant to their enemies a peaceable injoying of their lands & possessions, conditionally, that they would yield all faithful allegiance unto the L. Deputy, whosoever the *Senate* of *Rome* should place over them. The L. Deputy was either stiled by the name of a *Prætor*, a *Proconsul*, or a *Præfectus*. Those places where the two first sorts of governours did rule, were termed *Provinciæ*; the other from the governour, was termed *Præfectura*. Where we must observe, that this word *Provincia* hath a threefold acception: First it is takē for a country, which by the force and power of arms, is subdued to the Roman Empire, & governed by some Roman Deputy sent from the Senate; & this is the proper & primitive signification thereof, it being so called, [b] *Quòd populus Rom. eam provicit, id est, ante vicit.* Secondly, it is taken for any region or country, where the L. Gen. or chief Captain over a *Roman* Army doth mannage war against any nation by commission from the *Senate*. Lastly, it signifieth any publike function, or administration of office, yea any private duty, charge, or task, either undertaken, or imposed; according to that of [i] *Terence, Provinciam cepisti duram*, that is, thou hast undertaken an hard task. Now the tribute to be paid, was either certain, or uncertain. The certain was properly called *Tributum, vel Stipendium*; and those who paid it, were tearmed *Tributarii sive Stipendiarii*: and this Tribute was of two sorts, either ordinary, such as was required from every house yearely, even in the time of peace; or extraordinary, such as was levied by a law, or decree of the *Senate* towards unexpected

[b] Pigh. lib. Tyrannif.

[i] Terent. in Phor.

pected charges. The uncertain tribute[k] properly called *Vectigal*, was either impoſt-mony, ſuch as was collected in haven townes for the tranſportation of merchants wares, and that was called from *Portus, Portorium*, or from *Porta, Portarium*, and the receavers thereof *Portitores*. The wares, after the impoſt mony had been paid, were ſealed by the *Publicans* with a certain kinde of tempered chaulk: and this is that which *Cicero* underſtandeth by *Aſiatica creta, orat. pro Flacco:* or tithe corne, namely the tenth part of their graine; and that was called from *Decem, Decuma*, and the receivers thereof *Decumani*, though *Decumanus* when it is an adjective, ſignifieth as much as *Maximus*, according to that of *Ovid. lib. 1. de. Triſt.*

Qui venit hic fluctus fluctus ſupereminet omnes
Poſterior nono eſt, undecimoq́, prior.

The reaſon of this ſignification is[m] ſuppoſed to be, becauſe in *Arithmetick*, amongſt ſimple numbers the tenth is the greateſt: or laſtly, that mony which was paid by certaine heards-men for paſturing their cattle in the *Roman* fields & forreſts: This kinde of tribute was called *Scriptura*, and the paſtures *Agri Scripturarii*; becauſe (as[n] *Feſtus* ſaith) the Bayliffe, or receiver of this mony, called *Pecuarius*, did *Scribendo conficere rationes*, that is, keep his account by writing. Where we muſt note, firſt, that all theſe kindes of Tributes were not only required in Provinces, or Countries ſubdued, but throughout *Italy*, even in *Rome* it ſelfe. Secondly, though each collectour of theſe Tributes was diſtinguiſhed by a peculiar name; yet by a generall name they were all called *Publicani*, in as much as they did take to rent theſe publike tributes. The chiefe of them, which entred into bond, as the principall takers or farmers of theſe tributes, *Tully* calleth *Mancipes*. The others, which were entred into the ſame bond as ſureties, were termed *Prædes*. Many times the *Romans* did beſtow the freedom of their city upon forreigne countries; & the degrees of freedom were proportioned accordingly

[k] Sig. de jur. Rom. l. 1. c. 16. Stadius in Flor. l. 1. c. 13.

[m] Fr. Sylv. in viror. illuſt. ep. a. lib. 1.

[n] Sig. de jure Rom. l. c. 4.

[o] Cic. de Aruſp. reſponſ. & alias ſæpe.

as the countries were. Some they honoured with the name of *Roman* citizens, but excluded them frō the right of ſuffraging, leaving them alſo to be governed by their owne lawes and magiſtrates. This ſtate they called a *Municipall* ſtate, in Latine *Municipium*, becauſe they were *Muneris hujus honorarii participes.* [p] By *Munus honorarium* in this place, is underſtood nothing but the bare title of a *Roman* Citizen, whereby they were priviledged to fight in a legion as free Deniſons, not in an auxiliary band, as the aſſociats. Now the firſt that ever obtained this Municipal ſtate, where the *Cerites*, who for preſerving the holy things of *Rome* in the time of the war againſt the *Gaules*, were rewarded with the freedome of the city, but without power of ſuffraging: [q] From whence it is, that thoſe tables wherein the *Cenſors* inrolled ſuch as were by them deprived of their voices, were called *Cerites tabulæ*; *Horace* calleth ſuch a table *Ceritem ceram*, for the reaſon ſhewne before. But we muſt withall obſerve, that ſome Municipal towns have either by deſert or inſtant ſuit obtained the liberty of ſuffraging alſo, which occaſioneth that received diſtinction, that there was *Municipium ſine ſuffragio*, & *Municipium cum ſuffragio*. Other countries wch could not be admitted into the freedome of the City, have obtained, and that not without ſpeciall & deſerved reſpects to be aſſociates and confederates unto the ſtate of *Rome*. The inhabitants of ſuch countries were ſometimes called *Socii*, ſometimes *Amici*, ſometimes *Latini nominis ſocii*, *&c.* The King or Prince of ſuch a country did ſtyle himſelfe *Amicus & Socius Senat. & Pop. Rom.* Here we muſt obſerve a difference betweene *Pactio* and *Fœdus*, both ſignifying a kind of league. That truce which in time of war is concluded upon, and accepted of both ſides for a certaine [r] limited ſpace of time, is properly called *Pactio*; we commonly call it *Induciæ*; & it differed from *Fœdus*: [ſ] firſt becauſe that *Fœdus* is a perpetuall truce or league. Secondly becauſe it was neceſſary, that one of thoſe Heralds at armes called *Fœciales*, ſhould by

[p] A. Gel. noct. Attic. lib. 16. cap. 13.

[q] A. Gel. ib.

[r] Sig. de jure Ital. l. 1. c. 1.

[ſ] Sigon. ib.

a

a ſolemne proclamation confirme this league called *Fœdus*, neither of which conditions was abſolutely requiſite in their truce termed *Pactio*.

Cap. 5.

Mulctæ militares, quibus milites Romani ob delicta afficiebantur.

TOuching the puniſhments that the *Roman* L. Generall uſed towards his owne ſouldiers, when they were faulty, they were commonly proportioned unto the fault committed: Sometimes they were eaſiy, of which ſort were alſo thoſe puniſhments which did only brand the ſouldiers with diſgrace: other times they were heavier, ſuch as did hurt & afflict the body. To the firſt ſort belonged theſe: Firſt *Ignominioſa dimiſſio*, that is, a ſhamefull diſcharging of a ſouldier, when he is with diſgrace removed from the army. Secondly, *Fraudatio ſtipendii* that is, a ſtopping of their pay: & ſuch ſouldiers which ſuffered this kind of mulct, were ſaid to be *ære diruti*, becauſe *Æs illud diruebantur in fiſcum non in militis ſacculum*. 3ly. *Cenſeo haſtaria*, whereby the ſouldier was injoyned to reſigne and give up his ſpear: for as thoſe which had atchieved any noble act, were for their greater honour *Haſtâ purâ donati*, ſo others for their greater diſgrace were inforced to reſigne up their ſpeare. 4ly. the whole *Cohors*, which had loſt their banners, were compelled to eat nothing but barly bread, being deprived of their allowance in wheat: and every Centurion in that *Cohors* had his ſouldiers belt or girdle taken from him, which was no leſs diſgrace amongſt them, then it is now amongſt us, that a Knight of our order of the Garter, ſhould be deprived of his Garter. 5ly. for petty faults they made them to ſtand barefooted before the L. Gen. his pavilion, with long poles of ten foot length in their hands: & ſometimes in the ſight of the other ſouldiers

(Roſin. ant. lib. 10. c. 25.

souldiers to walke up and down with turfes on their necks. In the last of these they seemed to imitate their city discipline, whereby malefactors were injoyned to take a certain beam, resembling a fork upon their shoulder, & so to carry it round about the towne; it hath some affinity with our carting of queanes here in England: In the first we have no custom that doth more symbolize, then the standing in a white sheet in the open view of a congregation. The last of their lesser punishments, was the opening of a vein, or leting them bloud in one of their armes: [t] which kinde of punishment was used towards those alone, which (as they conceited, through the abundance of their hot blood) were too adventurous & bold. The heavier kinds of punishment were these; first, *Virgis, vel Fuste cædi*, to be beaten with rods; or with staves & cudgels. None were ordinarily beatē with cudgels but those who had not discharged their office, in the sending about that table, called *Tessera*, wherein the watchword was written; or that had forsaken their place, where they were appointed to keep watch; or those who had stollen any thing from out the camp; or borne false witnesse against their fellowes, or abused their bodies by women: or lastly, that had been punished thrice for the same fault: those which were in this manner cudgelled, were often killed in the place: but if they escaped alive, they went to live in perpetuall exilement. The ceremony used in this kinde of cudgelling was, that the [u] knight Martiall should lightly touch the party to be punished with a club, which being done, all the souldiers did beat him with staves and cudgells, whence we may say of one that deserveth a good cudgelling in [x] *Tully* his phrase, *Fustuarium meretur. Polybius* calleth it ῥυλοκοπίαν. *Vid. Lips. de milit. Rom. lib. 5. dial.* 18. If a *Roman* souldier had broken his rank by going out of order, then *Virgis cædebatur*, that is, he was scourged with rods. Sometimes the knight Martiall upon just occasion would cause them to be sold for bondslaves, to be beheaded, to be hanged. All these punishments were

Alex. Gen. dier. 2. c. 13.

u Trib. milit.

x Cic. orat. Phil. 3.

were perſonal or particular; there remaineth one which was generall, namely when the fault was generall, as in their uproares, conſpiracies, &c. Upon ſuch occaſions the ſouldiers were called together, and every tenth man upon whom the lot fell was puniſhed with that kinde of cudgelling above ſpoken of; all the others eſcaped either without puniſhment, or with very little. The puniſhment it ſelfe was termed *Decimatio legionis*, and the reaſon of this kinde of puniſhment is rendred by *Tully*: *ut metus, viz: ad omnes, pœna ad paucos perveniret*. Sometimes ſuch was the clemency of the L. Generall, that he would puniſh only the twentieth, nay the hundreth man, and then was it called *viceſimatio, vel centeſimatio legionis*. y Cic. pro Cluent.

Cap. 6.

De donis militaribus ob rem fortiter geſtam.

COncerning the rewards which were beſtowed in war, ſome were by the Senate conferred upon the L. Generall: others were by the L. Generall conferred upon his ſouldiers. Thoſe honours which the L. Generall received were three. Firſt, *Nomen imperatoris*, of which before. Secondly, *ſupplicatio*, that is, a ſolemne proceſſion continued for many daies together, ſometimes more, ſometimes fewer: all which daies the *Roman* people did obſerve as holy-daies, offring up daily prayers & ſacrifices to the Gods in the behalfe of their L. Gen. The cuſtome being, that after ſome notable victory, the ſouldiers having ſaluted their chiefe captain (whom I call their L. Generall) by the name of *Imperator*, then would he ſend letters unto the Senate, dight with Lawrell, wherein he required both that name to be confirmed, & approved by them, as likewiſe that they would *Decernere ſupplicationes*, that is, appoint ſuch ſolemne ſupplications. Thirdly, they honoured him at his coming home alſo with a triumph: *Triumphus vel major, vel minor erat*, ſaith

Alexander. The leſſer kinde of triumph was properly called *Ovatio*,[a] *ab ove*, from a ſheep, which in this time of his triumph was led before him, and afterward ſacrificed by him, as alſo in the greater triumph (called properly *Triumphus*) the L. Generall ſacrificed a Bull: it differeth from the greater triumph, firſt, in the acclamation, for in the leſſer triumph the ſouldiers following did as it were redouble this letter O, & ſome are of opinion that it was therefore called *Ovatio*. In the greater triumph the ſouldiers followed, crying, *Io triumphe*, *Io triumphe*: an example whereof may be ſeen in[a] *Horace*, where he deſcribeth the triumph of *Bacchus*, the firſt author of this greater triumph; from whoſe[b] name alſo divers Authors do derive this word *Triumphus*, he being in Greek called Θριαμβος, which by a little change is made *Triumphus*. Secondly they differed, becauſe in the greater Triumph, the L. Gen. did weare a garment of State, called by ſome *Trabea*,[c] by others *Triumphalis*, *Picta*, *vel Aurata veſtis*; likewiſe a garland of lawrell, riding in a chariot, the *Senators* themſelves, with the beſt of the *Romans*, meeting him; his ſouldiers with their coronets, their chaines, & other rewards, following after: But in the leſſer triumph the L. Generall did weare a plain purple gown, without any gold imbroadering, and a garland of mirtle tree,[d] commonly going on foot, ſometimes permitted to ride on a horſe; the gentlemen and commonalty of *Rome* alone, without the *Senators*, did meet him. Moreover, for a perpetuall memory of this their triumph, in ſome publike place certaine trophies were erected.[e] *Tropheum monumentum dixere, nunc marmoreum, modò æneum, cum inſcriptione & titulis ævo perpetuo duraturis.*[f] *Dictum eſt*, ἀπὸ τῆς τροπῆς, *id eſt*, *à converſione*, from making the enemies to retire and turne back. Sometimes there were ſtatues, columnes, & arches built in token of triumph. Theſe arches, though commonly they were known by the name of *Arcus triumphales*, yet ſometimes they are called *Fornices*, whence it is that *Tully* calleth *Fabians* triumphall arch

[a] Salmuth. in Pancir l. rerum deperd. cap de triumph.

[a] Ode. 2. l. 4.

[b] Salmuth. in Pancir. l. rerum deperd. cap. de triumph.

[c] Alex. Gen. dier. l. 6. c. 17.

[d] Dion. Hal. lib. 5.

[e] Alex. Gen. dier. l. 2. c. 22.

[f] Serv. Æneï lib. 10.

[g] Fr. Sylv. in orat. Cic. pro Cn Plancio.

arch *Fabianum fornicem*. If it ſo hapned, that the *Roman* Generall himſelfe, perſonally, did take away any ſpoiles from the chiefe captain of the enemies, then did he hang them up in a temple conſecrated to *Jupiter Feretrius*; who was ſo called, [h] becauſe, as the *Romans* conceited, without the ſpeciall aſſiſtance of *Jupiter*, *Dux ducem ferire non poterat*: theſe ſpoiles had the name of *Optima ſpolia*, that is, Royall ſpoiles. The rewards beſtowed upon the ſouldiers were divers: either places of offices, as the place of a Centurion, of a *Præfectus*, a *Decurio*, *&c.* or their pay was increaſed, the ſpoiles diſtributed amongſt them: or laſtly, they received certaine gifts, termed *Dona militaria*. In ancient times thoſe ſouldiers which had beſt deſerved, received a certaine meaſure of corne, called by them *Adorea*, [i] and hence it is, that *Adorea* is now uſed to ſignifie ſuch laud and praiſe as is due unto a ſouldier. But after ages, for the better encouraging of the ſouldiers, have found out more honourable rewards, of which [k] theſe were the chiefeſt; *Armilla*, that is, a bracelet for the hand wreſt; *Torquis*, a chaine to weare about their neck; *Phalera*, horſetrappings; *Haſta pura*, that is, a ſpeare, having no iron at the end of it, (it is ſometimes called [l] *Haſta donatica*, and *Haſta graminea*;) Laſtly, *Coronæ*, crownes, of which *Aul. Gel. lib 5. cap. 6.* obſerveth theſe to have been the chief: 1. *Corona triumphalis* which in old time was made of Lawrell, but afterward of Gold, and thence was it called *Corona aurea*: it was ſent by the *Senate* unto the L. Generall, in honour of his triumph; Secondly, *Corona obſidionalis*, which was given by the ſouldiers unto the Generall, when they were freed from a ſiege, it was made of graſſe growing in that place where they were beſieged, whence it had the name alſo of *Corona graminea*. Now the reaſon why they made this crowne of graſſe growing in the place where they were beſieged, was thereby to yeeld up their right in that place unto their Captain: for by that ceremony, as [m] *Pliny* obſerveth, they did *Terrâ & ipſa altrice humo & humatione*

[h] Alex. Gen. dier. l. 1. c. 14.

[i] Alex. Gen. dier. l. c. 18.

[k] Sig. de jure Rom. c. 15.

[l] Roſin ant. lib. 10. c. 27.

[m] Plin. lib. 22. cap. 4.

etiam cedere. And hence it is, that in races, & the like maſteries, he that was overcome, did gather ſome of the graſſe of that place, & gave it unto the conquerour, as a token that he did acknowledge himſelfe conquered; [n] this is the reaſon of that Adage, *Herbam dare*, that is, to yeeld the victory. Thirdly, *Corona civica*, which was beſtowed only upon him, which had ſaved a citizens life, [o] though in proceſſe of time it was alſo beſtowed upon the L. Gen. if he ſpared a Roman citizen, when he had power to kill him. It was commonly made of oake; whence it was called *Corona quercea.* And this I take to be the reaſon why in *Ovids* time the Emperour had alwaies ſtanding before his gates, an oak tree, in the midſt of two lawrels, as an Emblem, denoting two worthy vertues required in all Emperours & princes; firſt, ſuch whereby the enemie might be conquered; ſecondly, ſuch whereby citizens might be ſaved. Unto this *Ovid* ſeemeth to allude, ſpeaking of the lawrell tree,

[p] *Poſtibus Auguſtis eadem fidiſſima cuſtos*
Ante foris ſtabis, mediamq́, tuebere quercum.

Fourthly, *Corona Muralis*: [q] He only was honoured with this, which did firſt ſcale the walls, & enter firſt into the enemies city; and hence this crown was put upon the circlet, or top, like unto the battlements. Fifthly, *Corona Caſtrenſis.* This the L. Gen. beſtowed on him which firſt entred into the enemies tents; it did beare in it the reſemblance of a Bulwark, or at leaſt of the mound, wherewith the bulwark was ſtrengthned; which mound was called in Latine *Vallum*, and thence the crown it ſelfe was often called *Vallaris corona.* Sixthly, *Corona navalis*, with which he was honoured, which firſt entred into the enemies ſhip in a battle upon ſea: it was portrayed with many ſhip beakes, called in Latine *Roſtra*, [r] whence the crowne it ſelfe was often called *Corona Roſtrata.* That Roman *Hercules Siccius Dentatus* obtained almoſt all thoſe ſeverall rewards, and that each many times. Laſtly, *Corona ovalis*, it was made of Mirtle-tree, the L. Generall

[n] Salmuth. in Pancer. l. rerum deperd. cap. de coronis.
[o] Pigh l. Tyrann if.
[p] Ovid. Met. lib. Fab. 9.
[q] Dion. Hal. lib. 10.
[r] Pigh. l. Tyrannif.
[ſ] A. Gel. noct. Attic. l. 2. c. 11.

nerall uſed it in the leſſer kinde of triumphs, called *Ovationes*, from whence the Coronet it ſelfe was named *Ovalis*. It was then beſtowed, when the Herald had committed ſome errour in denouncing war; or when the enemies conquered, were of meane rank and place, as Servants, or Pyrats; or elſe if the victory were gotten without bloodſhed, or great hazard, the enemies yeelding without reſiſtance. *In quibus impulvereis & incruentis victoriis, aptam eſſe Veneris frondem crediderunt, quod non Martius ſed quaſi Venereus quidam triumphus foret.*

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